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Executive Orders

EXECUTIVE ORDER JBE 16-16

Flags at Half-Staff to Honor Robert L. “Bobby” Freeman

WHEREAS, Robert L. “Bobby” Freeman died on May 16, 2016, at the age of 82;

WHEREAS, while perhaps most well-known as a former Lieutenant Governor, he represented the State of Louisiana in all three branches of government;

WHEREAS, elected in 1968, he served three consecutive terms in the House of Representatives representing District 60, which includes parts of Iberville, Pointe Coupee, and West Baton Rouge parishes, serving as Chair of the House Labor and Industrial Relations committee from 1972 until 1974;

WHEREAS, in 1980, he was elected to serve as Lieutenant Governor for the State of Louisiana, an office he held until 1988, during such time he was instrumental in building and strengthening the tourism industry in Louisiana;

WHEREAS, from 1990 until 1996, he served as a city judge in Plaquemine;

WHEREAS, his background includes three years of service in the United States Army;

WHEREAS, he won the state championship in 1951 for boxing at Plaquemine High School and also was a two-time NCAA runner-up in his weight class as a member of the LSU Boxing team, and was later inducted into the LSU Athletic Hall of Fame;

WHEREAS, his commitment to improving Louisiana is evidenced through his successful efforts to centralize and coordinate promotion of many unique aspects of Louisiana culture and life;

WHEREAS, he was inducted into the Louisiana Political Museum and Hall of Fame in Winnfield in 2008; and

WHEREAS, the State of Louisiana is a better place because of Lieutenant Governor Freeman’s work and his legacy will live on for generations.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: As an expression of respect for Robert L. “Bobby” Freeman, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Thursday, May 19, 2016.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Thursday, May 19, 2016.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day of May, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#008

EXECUTIVE ORDER JBE 16-17

Governor’s Advisory Council on the
Every Student Succeeds Act

WHEREAS, a strong public education system is essential to the well-being of Louisiana children and communities;

WHEREAS, all students deserve equitable access to a quality public education that prepares them for college, career and citizenship;

WHEREAS, on December 10, 2015, the Every Student Succeeds Act (ESSA), a bipartisan and bicameral bill to reauthorize the federal education law known as the Elementary and Secondary Education Act, was signed into law;

WHEREAS, the ESSA aspires to give parents, local educators and communities a voice in making decisions affecting education;

WHEREAS, the ESSA seeks to empower state and local decision-makers to develop and strengthen their own systems for school improvement based upon evidence;

WHEREAS, the ESSA reduces testing requirements, allowing more instruction time while still maintaining measures to make sure our children are learning;

WHEREAS, the ESSA strives to provide every student with high quality educational opportunities, regardless of his or her zip code.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor’s Advisory Council on the Every Student Succeeds Act (hereafter Council) is hereby established and created within the executive department, Office of the Governor.

SECTION 2: The duties of the Council shall include, but are not limited to, the following:

- A. Conduct an extensive review of the ESSA; and
- B. Make recommendations on specific actions necessary for implementation of the ESSA in Louisiana.

SECTION 3: The Council shall submit to the Governor an initial report on or before December 31, 2016 and a final report on or before March 1, 2017, outlining the requirements and recommendations for implementation of the ESSA in Louisiana.

SECTION 4: The Council shall be composed of fifteen (15) at-large members designated by the Governor and who shall serve at the pleasure of the Governor.

SECTION 5: The chair of the Council shall be designated by the Governor from the membership of the Council. All other officers, if any, shall be elected by and from the membership of the Council.

SECTION 6: Council members shall not receive additional compensation or a *per diem* from the Office of the Governor for serving on the Council.

Council members who are an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Council members who are also a member of the Louisiana Legislature may seek a *per diem* from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 7: Support staff, facilities and resources for the Council shall be provided by the Office of the Governor.

SECTION 8: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order.

SECTION 9: This Order is effective upon signature and shall continue in effect until May 31, 2017, unless amended, modified, terminated or rescinded by the Governor.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 26th day of May, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#012

Flags at Half-Staff to Honor Mary Frey Eaton

WHEREAS, Mary Frey Eaton died on May 24, 2016, at the age of 91;

WHEREAS, she dedicated her life to the belief that we all have a responsibility of service to our community and that every child should have the opportunity to become the finest they are capable of being;

WHEREAS, from 1988 to 2000, she served on the East Baton Rouge Parish Metro Council, which included being elected mayor pro-tem in 1996;

WHEREAS, she was known for her patience and persistence in researching and fully understanding an issue, making informed decisions, and respectfully negotiating compromises between parties with differing views;

WHEREAS, her public service encompassed many areas, her persuasive demeanor an especially effective tool in advancing the arts;

WHEREAS, she helped found the Community Fund for the Arts and Keep Baton Rouge Beautiful, Inc., and also helped establish Family Service of Greater Baton Rouge;

WHEREAS, she gave generously of her time and energy through multiple civic organizations, including, but not limited to, the Louisiana Preservation Alliance, the Louisiana Art and Science Museum, the YMCA, the Baton Rouge Symphony, the Baton Rouge Area Foundation, the Arts Council of Greater Baton Rouge, the LSU Museum of Art Advisory Board, the Baton Rouge AIDS Task Force Advisory Committee, the Development Council for the Woman’s Hospital Foundation, and the Frank Hayden Memorial Committee;

WHEREAS, she was chair of Keep America Beautiful in Baton Rouge, and also served on the Louisiana Educational Television Authority, the Downtown Development District, the Greater Baton Rouge Chamber of Commerce, the Public Affairs Research Council, Council for a Better Louisiana, and the Louisiana Association of Business and Industry;

WHEREAS, she received multiple awards honoring her work in the community, including the Golden Deeds Award in 1984 and the Junior League of Baton Rouge’s Sustainer of the Year Award 1989;

WHEREAS, she was inducted into the LSU Hall of Distinction in 1991 and was one of six women of achievement honored by the YWCA in 1994;

WHEREAS, she was an inspiration to many people in Louisiana by exemplifying the impact one person can have on a community, and her passion and unwavering commitment to improving the State of Louisiana will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: As an expression of respect for Mary Frey Eaton, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Friday, May 27, 2016.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Friday, May 27, 2016.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 26th day of May, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#013

EXECUTIVE ORDER JBE 16-19

Establishment of Unified Command Group and Subcommittees

WHEREAS, Louisiana Revised Statute 29:725.6 establishes the state Unified Command Group (UCG) as the strategic decision making body for emergencies in the state and provides that the membership shall be established by executive order;

WHEREAS, the statute further requires that three (3) permanent subcommittees shall be established, namely:

1. An Interoperability Subcommittee;
2. A First Responders Subcommittee; and
3. A Regional Parish OEP Parish Directors Subcommittee;

WHEREAS, Louisiana Revised Statute 29:739(D) establishes an Intrastate Mutual Aid Subcommittee; and

WHEREAS, the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is appropriate to serve as the Deputy Incident Commander.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Unified Command Group (UCG) is hereby established by this Executive Order and shall be composed of seventeen (17) members:

A. The director of the Governor's Office of Homeland Security and Emergency Preparedness, or the director's designee, who shall serve as the Chair/Deputy Incident Commander;

B. The secretary of the Department of Transportation and Development, or the secretary's designee;

C. The superintendent of State Police, or the superintendent's designee;

D. The adjutant general, or the general's designee;

E. The commissioner of the Department of Agriculture and Forestry, or the commissioner's designee;

F. The secretary of the Department of Children and Family Services, or the secretary's designee;

G. The secretary of the Department of Public Safety, or the secretary's designee;

H. The commissioner of the Division of Administration, or the commissioner's designee;

I. The secretary of the Department of Health and Hospitals, or the secretary's designee;

J. The secretary of the Department of Wildlife and Fisheries, or the secretary's designee;

K. The secretary of the Department of Environmental Quality, or the secretary's designee;

L. The secretary of the Department of Natural Resources, or the secretary's designee;

M. The attorney general, or the attorney general's designee;

N. The secretary of the Louisiana Workforce Commission, or the secretary's designee;

O. The executive secretary of the Public Service Commission, or the secretary's designee;

P. The secretary of the Department of Economic Development, or the secretary's designee; and

Q. The chairman of the Louisiana Coastal Protection and Restoration Authority, or the chairman's designee.

SECTION 2: There shall be three (3) permanent subcommittees of the UCG, whose membership is set forth by R.S. 29:725.6, namely:

1. The Interoperability Subcommittee;
2. The First Responders Subcommittee; and
3. The Regional Parish OEP Parish Directors Subcommittee.

SECTION 3: There shall be an Intrastate Mutual Aid Subcommittee, whose membership is set forth by La. R.S. 29:739.

SECTION 4: Additionally, UCG may establish such other subcommittees as it deems advisable and feasible under the authority granted in La. R.S. 29:725.6.

SECTION 5: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the UCG in implementing the provisions of this Order.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1st day of June, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#023

EXECUTIVE ORDER JBE 16-20

Emergency Operations Plan

WHEREAS, the State of Louisiana must be prepared to respond and recover in a coordinated, effective and efficient manner to all the emergencies and disasters to which it is subjected;

WHEREAS, the State of Louisiana must be organized in such a way as to effectively bring available State, Federal and private resources together to support the response and recovery efforts of our local communities;

WHEREAS, it is the policy of the State of Louisiana for all homeland security and emergency preparedness functions to follow the principles outlined in the National Incident Management System, or its successor, and La. R.S. 29:722(C); and

WHEREAS, the State of Louisiana will best achieve effective coordinated emergency planning by updating the state’s current emergency operations order through the replacement of Executive Order BJ 2014-09, issued on August 6, 2014, and by the Governor’s Office of Homeland Security and Emergency Preparedness updating its emergency operations plan to address the Recovery Support Functions of the National Disaster Recovery Framework.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1:

A. The director of the Governor’s Office of Homeland Security and Emergency Preparedness, State of Louisiana, (hereafter “director”), shall direct the State of Louisiana’s emergency and/or disaster operations.

B. The director, or the director’s designee, shall also coordinate the activities of all non-state agencies,

departments, and/or organizations involved in emergency management within the state of Louisiana.

SECTION 2:

A. This Executive Order shall constitute the Louisiana Emergency Operations Plan (“Plan”), which shall be binding on all departments, commissions, boards, agencies, organizations and employees of the State of Louisiana, and on all local governments or political subdivisions of the State authorized or directed to conduct homeland security and emergency management operations.

B. The director shall supplement the provisions of the Plan by prescribing rules, regulations, and procedures. Once adopted, the supplement shall also be binding on all departments, commissions, boards, agencies, organizations and employees of the state of Louisiana, and on all local governments or political subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

C. Any supplement or subsequent changes to the plan shall continue to follow the principles outlined in the National Incident Management System, or its successor, and also provide for the emergency operations that may be implemented should an emergency and/or disaster strike the state of Louisiana or an area within the state of Louisiana;

SECTION 3:

A. The director shall control the activation and/or implementation of the Plan and the conclusion and/or deactivation of the Plan.

B. The director shall also control the activation and deactivation of the state Emergency Operations Center (hereafter “Center”).

SECTION 4: The departments, offices, agencies, and organizations of the state of Louisiana have primary and support responsibilities for the following Emergency Support Functions (ESF) and Recovery Support Functions (RSF):

ESF	Annex	Department/Agency	Primary/Support
ESF 1	Transportation	Department of Transportation and Development	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Education	S
		Department of Health and Hospitals	S
		Louisiana State Police	S
		Department of Wildlife and Fisheries	S
		Department of Children and Family Services	S
		Non-Governmental Organizations (NGO)	S
		ESF 2	Communications
Louisiana National Guard	P		
Division of Administration	P		
Department of Agriculture and Forestry	S		
Department of Corrections	S		
Department of Culture, Recreation and Tourism	S		
Department of Economic Development	S		
Department of Education	S		
Department of Environmental Quality	S		
Louisiana State Police	S		
Office of Elderly Affairs	S		

ESF	Annex	Department/Agency	Primary/Support
		Louisiana Oil Spill Coordinator's Office	S
		Louisiana State University System	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Louisiana Workforce Commission	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Children and Family Services	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Non-Governmental Organizations (NGO)	S
ESF 3	Public Works and Engineering	Department of Transportation and Development	P
		Louisiana Coastal Protection and Restoration Authority	P
		Louisiana National Guard	S
		Division of Administration	S
		Department of Health and Hospitals	S
		Department of Natural Resources	S
		Department of Environmental Quality	S
ESF 4	Firefighting	Department of Agriculture and Forestry	P
		Office of State Fire Marshal	P
		Louisiana National Guard	S
		Department of Environmental Quality	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Non-Governmental Organizations (NGO)	S
ESF 5	Emergency Management	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Division of Administration	S
		Office of Disability Affairs	S
		Office of Elderly Affairs	S
		Office of Indian Affairs	S
		Louisiana Oil Spill Coordinator's Office	S
		Louisiana State University System	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Louisiana Workforce Commission	S
		Department of Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Secretary of State	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Coastal Protection and Restoration Authority	S
		Louisiana Oil Spill Coordinator's Office	S
		Office of State Fire Marshal	S

ESF	Annex	Department/Agency	Primary/Support
		Non-Governmental Organizations (NGO)	S
ESF 6	Mass Care, Housing and Human Services	Department of Children and Family Services	P
		Louisiana Workforce Commission	P
		Department of Corrections	S
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Housing Corporation	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Education	S
		Office of State Fire Marshal	S
		Office of Disability Affairs	S
		Office of Elderly Affairs	S
		Department of Health and Hospitals	S
		Louisiana State University System and Ag Center	S
		Department of Insurance	S
		Department of Natural Resources	S
		Louisiana Board of Regents	S
		Department of Veterans Affairs	S
		Department of Revenue	S
		Department of Transportation and Development	S
		Louisiana State Police	S
		Southern University and Ag Center	S
		Non-Governmental Organizations (NGO)	S
ESF 7	Resources Support	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	P
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Environmental Quality	S
		Division of Administration	S
		Louisiana State University System	S
		Department of Health and Hospitals	S
		Louisiana Workforce Commission	S
		Department of Natural Resources	S
		Louisiana Board of Regents	S
		Department of Children and Family Services	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Non-Governmental Organizations (NGO)	S
ESF 8	Public Health and Medical Services	Department of Health and Hospitals	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Environmental Quality	S
		Louisiana State University System	S
		Louisiana Board of Regents	S
		Office of State Fire Marshal	S
		Louisiana Workforce Commission	S
		Department of Transportation and Development	S
		Department of Veterans Affairs	S
		Non-Governmental Organizations (NGO)	S

ESF	Annex	Department/Agency	Primary/ Support		
ESF 9	Search and Rescue	Department of Wildlife and Fisheries	P		
		State Fire Marshal	P		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Health and Hospitals	S		
		Department of Corrections	S		
		Department of Culture, Recreation, and Tourism	S		
		Louisiana State Police	S		
		Department of Transportation and Development	S		
		Louisiana State University Fire and Emergency Training Institute	S		
		Department of Revenue-Office of Alcohol and Tobacco Control	S		
		Non-Governmental Organizations (NGO)	S		
		ESF 10	Oil Spill, Hazardous Materials and Radiological	Louisiana Oil Spill Coordinator's Office	P
				Louisiana State Police	P
Department of Environmental Quality	P				
Governor's Office of Homeland Security and Emergency Preparedness	S				
Louisiana National Guard	S				
Department of Agriculture and Forestry	S				
Office of State Fire Marshal	S				
Louisiana State University System	S				
Department of Health and Hospitals	S				
Department of Natural Resources	S				
Department of Transportation and Development	S				
Department of Wildlife and Fisheries	S				
Louisiana Coastal Protection and Restoration Authority	S				
Non-Governmental Organizations (NGO)	S				
ESF 11	Agriculture	Department of Agriculture and Forestry	P		
		Louisiana National Guard	S		
		Department of Corrections	S		
		Department of Environmental Quality	S		
		Department of Health and Hospitals	S		
		Louisiana Board of Regents	S		
		Louisiana State University System	S		
		Department of Wildlife and Fisheries	S		
		Governor's Office of Homeland Security and Emergency Preparedness	S		
		Department of Children and Family Services	S		
		Southern University and Ag Center	S		
Non-Governmental Organizations (NGO)	S				
ESF 12	Energy and Utilities	Department of Natural Resources / Intrastate Natural Gas	P		
		Louisiana Public Service Commission / Power	P		
		Louisiana Department of Health and Hospitals (Water/Wastewater Utilities)	P		
		Louisiana Department of Environmental Quality (Wastewater Utilities)	S		
		Department of Agriculture and Forestry	S		
		Non-Governmental Organizations (NGO)	S		
		Louisiana National Guard	S		
ESF 13	Public Safety and Security	Louisiana State Police	P		
		Department of Justice	P		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Corrections	S		
		Department of Culture, Recreation and	S		

ESF	Annex	Department/Agency	Primary/Support
		Tourism	
		Department of Revenue - Office of Alcohol and Tobacco Control	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Office of Juvenile Justice	S
ESF 14	Community Recovery, Mitigation and Economic Stabilization	Governor's Office of Homeland Security and Emergency Preparedness	P
RSF 1	Community Planning and Capacity Building	Department of Economic Development	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Workforce Commission	S
		Department of Revenue	S
		University of Louisiana at Lafayette / NIMSAT	S
		Louisiana State University / SDMI	S
		Office of Financial Institutions	S
		Department of Insurance	S
RSF-2	Economic	Department of Economic Development	P
		Louisiana Workforce Commission	S
		Department of Revenue	S
		University of Louisiana at Lafayette / NIMSAT	S
		Louisiana State University / SDMI	S
		Office of Financial Institutions	S
		Department of Insurance	S
RSF-3	Health and Social Services	Department of Health and Hospitals	P
		Department of Children and Family Services	S
		Department of Education	S
		Louisiana State University System	S
		Louisiana Board of Regents	S
RSF-4	Housing	Louisiana Housing Corporation	P
		Office of Community Development	S
		Department of Children and Family Services	S
RSF-5	Infrastructure Systems	Department of Transportation and Development	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Office of Financial Institutions	S
		Department of Agriculture and Forestry	S
		Department of Insurance	S
		Louisiana Public Service Commission	S
		Louisiana Economic Development	S
		Department of Environmental Quality	S
		Department of Natural Resources	S
		Department of Corrections	S
		Louisiana Oil Spill Coordinator's Office	S
		Office of State Fire Marshal	S
RSF-6	Natural and Cultural Resources	Department of Wildlife and Fisheries	P
		Coastal Protection and Restoration Authority	P
		Department of Natural Resources	S
		Department of Environmental Quality	S
		Department of Culture, Recreation and Tourism	S
		Department of Agriculture and Forestry	S
		Secretary of State	S
		Non-Governmental Organizations (NGO)	S
ESF 15	Emergency Public Information	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Senate and House Legislative Liaisons	S
		Department of Agriculture and Forestry	S

ESF	Annex	Department/Agency	Primary/Support
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Office of State Fire Marshal	S
		Division of Administration	S
		Office of Disability Affairs	S
		Office of Elderly Affairs	S
		Office of Financial Institutions	S
		Office of Indian Affairs	S
		Louisiana Oil Spill Coordinator's Office	S
		Louisiana State University System	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Department of Insurance	S
		Louisiana Workforce Commission	S
		Department of Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Children and Family Services	S
		Secretary of State	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Coastal Protection and Restoration Authority	S
		Non-Governmental Organizations (NGO)	S
ESF 16	Military Support to Civilian Affairs	Louisiana National Guard	P

SECTION 5: The head of each department, office, agency, and organization identified in Section 4 of this Order shall designate both an emergency coordinator and an alternate coordinator to act on the department's behalf during an emergency situation, and furnish the director with their names and all phone numbers. The head shall also designate a Continuity of Operations Plan (COOP) coordinator who will prepare and maintain plans, procedures, arrangements, and agreements to ensure that the organization will continue to carry out its mission in an emergency or disaster.

SECTION 6: The head of each department assigned a primary ESF or RSF responsibility in Section 4 shall submit implementing procedures to the director that set forth the department's procedures for carrying out its assigned emergency and/or recovery support functions. The head of each department shall submit annual updates of their implementing procedures to the director.

SECTION 7: The head of each department assigned emergency support responsibilities in Section 4 of this Order shall assist its primary department in the preparation of their procedures and/or any other documents necessary to support the Plan.

SECTION 8: The head of each department assigned a primary and/or a support responsibility in Section 4 of this Order will:

A. Staff the State Emergency Operations Center or Recovery Operations Center with personnel during training exercises and emergencies as requested by the director;

B. Maintain and operate a 24-hour response capability in the department headquarters, or in the department's designated Emergency Operations Center, when the Plan is implemented;

C. Participate in exercises of the Plan when scheduled by the director;

D. Participate in, and conduct, training essential to implementation of the department's assigned emergency management responsibility.

E. Conduct an annual internal review to update the details of their department's implementing procedures and advise the director of needed modifications of their implementing procedures; and

F. Maintain logs, records, and reporting systems required by all state and federal laws, rules, and regulations.

SECTION 9: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1st day of June, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#024

EXECUTIVE ORDER JBE 16-21

Continuation of the National Incident Management System (NIMS) Designation

WHEREAS, it is necessary and desirable that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the secretary of the Department of Homeland Security to develop and administer a National Incident Management System (hereafter "NIMS"), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communication, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management process;

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including current emergency management training programs;

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) has also recommended adoption of a standardized incident command system; and

WHEREAS, the best interests of the citizens of the State of Louisiana are served by the adoption of the

standardized incident command system to facilitate the most efficient and effective incident management.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The National Incident Management System (NIMS) shall continue to be the standard of incident management for the State of Louisiana, as established within the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), which continues the standard for incident management created pursuant to Executive Order No. BJ 2008-40.

SECTION 2: As previously mandated by Homeland Security Presidential Directive HSPD-5, commencing in Fiscal Year 2005, adoption of NIMS continues to be a requirement for both GOHSEP and sub-grantees receiving federal funds from the Federal Emergency Management Agency.

SECTION 3: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 4: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 1st day of June, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#026

EXECUTIVE ORDER JBE 16-22

Governor's Council on Homelessness

WHEREAS, in November 2015, the U.S. Department of Housing and Urban Development issued the 2015 Annual Homeless Assessment Report to Congress;

WHEREAS, this report estimated 564,708 people were homeless in the United States on a given night, and that 127,787 (or roughly one quarter) of those individuals were under the age of eighteen;

WHEREAS, this report also found that, of those 564,708 people, 96,275 were chronically homeless and 47,725 were veterans;

WHEREAS, in the timeframe of 2014-2015, Louisiana reduced the number of homeless people in families with children by approximately twenty-five percent; in the timeframe of 2009-2015, Louisiana experienced a decrease in homelessness among veterans of approximately eighty percent, one of the largest in the nation;

WHEREAS, the State has developed a Ten-Year Plan to End Homelessness;

WHEREAS, effectively addressing homelessness requires collaboration among state agencies, local governments, the private sector, and service provider networks to coordinate program development, deliver essential services, and provide housing; and

WHEREAS, while many state departments and agencies are impacted by and work to address the challenges presented by homelessness, it is necessary to ensure that state government is coordinating its efforts effectively with the efforts of the federal government, local governments, the private sector and service provider networks.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Council on Homelessness (hereafter "Council") is created within the executive department, Office of the Governor.

SECTION 2: The duties of the Council shall include, but are not limited to, the following:

A. Advising the Governor on issues of concern to Louisiana citizens concerning homelessness;

B. Reviewing and updating Louisiana's Ten-Year Plan to End Homelessness;

C. Monitoring implementation of Louisiana's Ten-Year Plan to End Homelessness;

D. Serving as a resource for information about access to available services for the homeless population, including housing and transportation options for the homeless;

E. Consulting and coordinating all activities with the Federal Interagency Council for the Homeless, HUD, and all other federal agencies that provide assistance to the homeless;

F. Ensuring the services for all homeless persons of the State of Louisiana are appropriately planned and coordinated, thereby reducing duplication among programs and activities by state agencies and other providers;

F. Recommending improvements to the service delivery system for the homeless; and

G. Conducting other activities as may be appropriate and necessary.

SECTION 3: On or before January 5, the Council shall submit to the Governor annual reports regarding the issues set forth in Section 2 of this Order.

SECTION 4: The Council shall be composed of a maximum of eleven (11) members who, unless otherwise specified, shall be designated by and serve at the pleasure of the Governor:

1. The attorney general, or the attorney general's designee;

2. The executive director of the Louisiana Housing Corporation, or the director's designee;

3. The secretary of the Department of Veterans Affairs, or the secretary's designee;

4. The secretary of the Department of Children and Family Services, or the secretary's designee;

5. The secretary of the Department of Health and Hospitals, or the secretary's designee;

6. The superintendent of the Department of Education, or the superintendent's designee;

7. The secretary of the Department of Transportation and Development, or the secretary's designee; and

8. Four (4) at-large members with qualifications deemed appropriate by the Governor.

SECTION 5: The chair of the Council shall be designated by the Governor from the membership of the Council. All other officers, if any, shall be elected by and from the membership of the Council.

SECTION 6: The Council shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 7: Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

Council members who are an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Council members who are also a member of the Louisiana Legislature may seek a *per diem* from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 8: Support staff, facilities, and resources for the Council shall be provided by the Office of the Governor.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Council in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 3rd day of June, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#027

EXECUTIVE ORDER JBE 16-23

Governor's Task Force on Transportation
Infrastructure Investment

WHEREAS, the improved condition and increased capacity of the State of Louisiana's transportation infrastructure are vital for the safety, prosperity, and quality of life of its citizens, for the effective transaction of commerce, and for attracting, retaining, and expanding businesses and growing the economy;

WHEREAS, major metropolitan areas of the State of Louisiana currently rank among the worst in the nation for traffic congestion and road conditions, which annually costs citizens and businesses significant amounts of time through

delay and money through lost productivity and vehicle repair;

WHEREAS, the State of Louisiana has a \$12.7 billion backlog in highway and bridge maintenance and construction needs;

WHEREAS, Louisiana's Statewide Transportation Plan additionally identifies \$10.5 billion in Priorities A and B of new major transportation improvements or "megaprojects" needed throughout the state;

WHEREAS, in recent years, the cost of construction has constantly increased, while inflation has eroded the value of dollars dedicated to transportation;

WHEREAS, over many years, money from the state's Transportation Trust Fund dedicated to transportation infrastructure has been further reduced by the transfer of these funds for other governmental purposes related to transportation;

WHEREAS, the state has had to rely on competitive funding at the federal level of limited one time funding to invest in infrastructure;

WHEREAS, during his first year in office, the Governor has worked with the legislature through the state operating and capital outlay budgets to take meaningful steps to restore trust in the Transportation Trust Fund, in spite of unprecedented fiscal instability and historic deficits; and

WHEREAS, it is in the best interests of the citizens of the State of Louisiana to see expedited and vastly increased action and resources devoted to maintaining existing transportation infrastructure, specifically bridges, and constructing new projects that reduce congestion, improve safety and quality of life, expand economic opportunity, and provide effective mobility through a variety of multimodal transportation options.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Task Force on Transportation Infrastructure Investment (hereafter "Task Force") is established within the executive department, Office of the Governor.

SECTION 2: The duties of the Task Force shall include, but are not limited to, the following:

Research, identify, and make specific actionable recommendations for achieving sufficient increased levels of recurring funding to address the transportation backlog in highway and bridge maintenance needs in Louisiana; and

Research, identify, and make specific actionable recommendations for legislation to be introduced in 2017 to fund a robust, multimodal construction program to address immediate needs to preserve the state's investments in infrastructure and build "megaprojects" included in the Louisiana Statewide Transportation Plan, Priority A and Priority B.

SECTION 3: On or before January 1, 2017, the Task Force shall submit to the Governor a report regarding the issues set forth in Section 2 of this Order.

SECTION 4: The Task Force shall be comprised of a maximum of eighteen (18) members who, unless otherwise specified, shall be designated by and serve at the pleasure of

the Governor. Ex officio members shall not be counted for purposes of a quorum.

1. The president of the Louisiana Public Affairs Research Council;

2. A business person designated by Blueprint Louisiana;

3. Three business representatives designated by the state's eight regional economic development organizations;

4. A business person designated by the Louisiana Chemical Association;

5. A transportation industry representative recommended by the Louisiana Association of General Contractors;

6. Two at-large members appointed by the Governor;

7. The executive director of the Louisiana Municipal Association;

8. The executive director of the Police Jury Association of Louisiana;

9. The chairman of the House Committee on Transportation, Highways and Public Works or his designee;

10. The chairman of the Senate Committee on Transportation, Highways and Public Works or his designee;

11. The Speaker of the Louisiana House of Representatives, or his designee;

12. The President of the Louisiana Senate or his designee;

13. The secretary of the Department of Transportation and Development;

14. The commissioner of the Division of Administration, or the commissioner's designee, as an ex officio member;

15. The secretary of the Department of Revenue, or the secretary's designee, as an ex officio member.

SECTION 5: There shall be two co-chairs of the Task Force. One will be the secretary of the Department of Transportation and Development and the other shall be appointed by the Governor. All other officers, if any, shall be elected by the members of the Task Force.

SECTION 6: The Task Force shall meet at regularly scheduled intervals and at the call of the co-chairs. The Task Force is encouraged to conduct outreach regionally and by industry as necessary.

SECTION 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

Task Force members who are an employee or an elected public official of the State of Louisiana or a political subdivision of the State of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Task Force members who are also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 8: Support staff, facilities and resources for the Task Force shall be provided by the Office of the Governor and the Department of Transportation and Development.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the state of

Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until the Task Force has completed the tasks identified in Sections 2 and 3 of this Order, unless amended, modified, terminated or rescinded by the Governor.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the City of Baton Rouge, on this 7th day of June, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1606#078

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Division of Programs Licensing Section

Health Status (LAC 67:V.7313 and 7315)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to amend LAC 67:V, Subpart 8, Chapter 73, Child Placing Agencies—General Provisions, Sections 7313 and 7315. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. This Emergency Rule extension is effective on June 24, 2016 and will remain in effect until the final Rule becomes effective.

The department considers emergency action necessary due to the increased number of children entering the foster care system and the need for available foster and adoptive homes. The department seeks to expand the number of potential applicants which enables the department to certify additional foster and adoptive parents who will provide a safe and nurturing environment for our most vulnerable citizens.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 73. Child Placing Agencies—General Provisions

§7313. Foster Care Services

A. - B.2.d.iv.(a). ...

v. health;

(a). a statement for each member of the applicant's household signed by a licensed physician or licensed health care professional verifying that the individual:

(i). has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii). is physically able to provide necessary care for a child; and

(iii). is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a]. the individual is under the care of a licensed physician or licensed health care professional; and

[b]. the present condition does not present a health or safety risk to a child placed in the applicant's home.

B.2.e. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), LR 42:

§7315. Adoption Services

A. - F.2.d.iv.(a). ...

v. health:

(a). a statement for each member of the applicant's household signed by a licensed physician or licensed health care professional verifying that the individual:

(i). has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii). is physically able to provide necessary care for a child; and

(iii). is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a]. the individual is under the care of a licensed physician or licensed health care professional; and

[b]. the present condition does not present a health or safety risk to a child placed in the applicant's home.

F.2.e. - J.4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and Act 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:842 (March 2011), amended LR 42:

Marketa Garner Walters
Secretary

1606#018

DECLARATION OF EMERGENCY

Department of Children and Family Services Economic Stability Section

Community Supervision Program
(LAC 67:III.5573)

The Department of Children and Family Services (DCFS), Economic Stability, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to amend LAC 67:III, Subpart 15, Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55, TANF Initiatives, Section 5573, Community Supervision Program. This Emergency Rule shall be adopted on June 2, 2016 and is effective July 1, 2016. It shall remain in effect for a period of 120 days.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, amendment of Section 5573

is necessary to clarify the program's service period and financial eligibility criteria, which must mirror eligibility rules in effect as of August 21, 1996 under the Louisiana Aid to Families with Dependent Children (AFDC) Emergency Assistance Program.

The department considers emergency action necessary to facilitate the expenditure of TANF funds. The authorization to promulgate emergency rules to facilitate the expenditure of TANF funds is contained in Act 16 of the 2015 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Family Support

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5573. Community Supervision Program

A. The department has an agreement with the Department of Public Safety and Corrections, Office of Juvenile Justice (DPSC-OJJ), to provide services to youth and their families as a result of an adjudication and disposition by a court that orders (DPSC-OJJ) to supervise youth in their communities in an effort to prevent removal from the home.

B. OJJ will complete an intake/assessment and develop a case plan for addressing the needs of the youth. The case plan will contain goals for all need areas and when indicated, include referrals to community programs for both youth and parents. These referrals may include but are not limited to:

1. case management, counseling, and in-home services;
2. parenting education and training, either in-home or out-of-home;
3. diagnostic and evaluation services provided in an attempt to make the most appropriate out-of-home placement;
4. supervision or non-residential programs for youth who remain in the home.

C. TANF eligibility is limited within any 12 month period to a single episode of need with a maximum duration of 12 months. TANF eligibility is also limited to families with income less than twice the state median income (SMI).

D. These services are TANF-eligible based on inclusion in the state's approved AFDC Emergency Assistance Program that was in effect as of August 21, 1996.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 46:231 and R.S. 36:474, and amended Act 18, 2007 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:2511 (November 2003), amended LR 31:487 (February 2005), LR 34:697 (April 2008), amended by the Department of Children and Family Services, Economic Stability Section, LR 42:

Marketa Garner Walters
Secretary

1606#017

DECLARATION OF EMERGENCY

Department of Health
Board of Examiners of Psychologists

Continuing Education and Licenses
(LAC 46:LXIII.Chapters 8 and 9)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedures Act, R.S. 49:953(B) to amend LAC 46:LXIII.801, 803, 805, 807, 809, 811, 815, 903; repeal §808; adopt §901; and renumber current §§901, 902, and 903.). This board has an immediate need for such rules as they pertain to licensing of psychologists and are necessary to effectuate renewals and continuing education statutorily required to begin July 1, 2016. The current rules published in 2013 are due to effectuate for this license renewal period and contain errors and contradictions that would hinder effective administration of license renewals for approximately 750 psychologists impacting their insurance credentialing and ability to provide services to the public. This Emergency Rule shall become effective on June 1, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first. The board intends to continue the rule-making process and promulgate final rules within the requisite time period allowed under the APA.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXIII. Psychologists
Subpart 1. General Provisions

Chapter 8. Continuing Education

§801. Preface

A. Pursuant to R.S. 37:2357(B), each licensed psychologist is required to complete continuing education hours, also referred to as continuing professional development (CPD) within biennial reporting periods. Continuing education is an ongoing process consisting of learning activities that increase professional development. Continuing professional development activities:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:769 (September 1990), amended LR 19:46 (January 1993), LR 32:1228 (July 2006), LR 36:1007 (May 2010), LR 39:2754 (October 2013), LR 42:

§803. Requirements

A. For the reporting periods that begin July 2014 and July 2015, each psychologist is required to complete 30 hours or credits of continuing professional development within the biennial reporting period. The CPD credits must conform to the distribution requirements listed below in Subsection C. For the reporting periods that begin July 2016

and July 2017 and henceforth, 40 credits of continuing professional development will be required in the biennial reporting period and the hours must conform to the distribution listed below in Subsection C.

B. ...

C. Within each reporting period, licensees must earn credits in at least two of the subcategories listed under Subsection D of this Section.

D. Licensees can accumulate continuing professional development credits in the categories defined:

1. Professional

a. Peer Consultation—interacting with colleagues in a structured and organized format. Examples include case consultation groups, journal clubs, regional research groups, mentoring, and shadowing a colleague. One hour of peer consultation equals one credit.

i. If requested, documentation required to earn credit shall be a verification form providing evidence that it is a structured program of consultation with regularly scheduled meetings and showing the nature of the consultation. Additionally, the person providing the consultation, or facilitating the case consultation group, must attest, by signature, to the description of the program, number of hours met and that the verification form has been completed.

b. Practice Outcome Monitoring—assessing patient/client outcomes via questionnaire(s) that is appropriate to the practice endeavor. One client equals one credit per reporting period.

i. If requested, documentation required to earn credit shall be a verification form and a de-identified copy of the patient/client questionnaire.

c. Professional Activities—serving on a national, regional, or state psychological association board or committee; or board member of regulatory body related to the field of psychology. Professional activities shall not include lobbying activities. One year equals 10 credits.

i. If requested, documentation required to earn credit shall be a verification form and documentation from the professional organization confirming the service.

d. Conferences/Conventions—attendance at a conference related to the field of psychology or a conference, which aids in the licensee's professional development. One conference day equals one credit.

i. If requested, documentation required to earn credit shall include a copy of registration materials. This credit is separate from traditional continuing education units that may be awarded at said conference.

2. Academic

a. Academic Courses—graduate-level course related to psychologist's discipline and practice taken for credit from a regionally accredited university or one pre-approved by the board. One three-hour course or equivalent equals 20 credits; or, one registered audit, documented by the university, equals five credits.

i. If requested, documentation required to earn credit shall include course transcript.

b. Instruction—preparation and teaching a semester long graduate or undergraduate course, related to psychology, in a regionally accredited institution; or

continuing education workshop presentation. Credit can only be received the first time teaching or presenting the material. Credit for preparing and teaching a workshop shall be equal to four times the credit granted attendees divided by the number of presenters; Credit for teaching a university course shall be 10 times the number of credit hours awarded the students.

i. If requested, documentation required to earn credit shall be the course syllabus or brochure.

c. Publications—author of an article for peer-reviewed publications or author, editor or co-editor of a book/book chapter related to the field of psychology. One article equals 10 credits; one book/book chapter equals 10 credits.

i. If requested, documentation required to earn credit shall include a copy of journal abstract or a copy of the publication.

3. Traditional Continuing Education

a. Approved Sponsored CE—workshops from a recognized approved sponsor under Section 805.A of this Chapter. One hour equals one credit.

i. If requested, documentation required to earn credit shall be the certificate or award of completion from sponsor.

b. Self-directed Learning—examples include reading, Internet, videos, and/or other unsponsored activities. All self-directed learning activities shall be limited to 10 credits. One hour equals one credit.

i. If requested, documentation required to earn credit shall include the completion of the continuing professional development verification form provided by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:46 (January 1993), LR 32:1228 (July 2006), LR 39:2754 (October 2013), LR 42:

§805. Acceptable Sponsorship, Offerings and Activities

A. The board will recognize the following as acceptable sponsors of the continuing education requirements:

1. accredited institutions of higher education;

2. hospitals which have approved Regional Medical Continuing Education Centers;

3. hospitals which have APA approved doctoral internship training programs;

4. national, regional, or state professional associations, or divisions of such associations, which specifically offer or approve graduate or post doctoral continuing education training;

5. American Psychological Association (APA) approved sponsors and activities offered by APA (including home study courses);

6. activities sponsored by the Board of Examiners of Psychologists; and

7. activities sponsored by the Louisiana Department of Health and Hospitals or its subordinate units and approved by the chief psychologist of the sponsoring state office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:46 (January 1993), LR 22:1131 (November 1996), LR 25:1098 (June 1999), LR 32:1228 (July 2006), LR 36:1007 (May 2010), LR 42:

§807. Unacceptable Offerings and/or Activities

A. The board will not recognize:

1. activities unrelated to the field of psychology even though such activities may be valuable for other professional purposes;

2. personal psychotherapy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:47 (January 1993), LR 25:1098 (June 1999), LR 42:

§808. Calculation of Credits Earned

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists LR 32:1229 (July 2006), repealed LR 42:

§809. Reporting Requirements

A. Each psychologist shall complete, at the end of reporting periods, the continuing professional development report and file accordingly with the board.

B. ...

C. Supporting Documentation. Each licensee shall retain corroborative documentation, such as the CPD Verification Form, of his or her continuing professional development for six years. Although this documentation is not routinely required as part of the licensee's submission, the board may, at its discretion, request such documentation. Any misrepresentation of continuing professional development will be cause for disciplinary action by the board.

D. ...

E. The board may conduct an annual audit of Continuing Professional Development Reports. Psychologists shall be selected randomly and will be required to produce documentation for each item reported to the board. The number of psychologists selected for audit shall be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006), LR 39:2755 (October 2013), LR 42:

§811. Extensions/Exemptions

A. Licensees on extended active military service outside the state of Louisiana during the applicable reporting period and who do not engage in delivering psychological services within the state of Louisiana may be granted an extension or an exemption if the board receives a timely confirmation of such status.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006), LR 39:2755 (October 2013), LR 42:

§815. Reinstatement

A. - B. ...

1. The board may require documentation of continuing professional development prior to reinstating a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), LR 39:2756 (October 2013), LR 42:

Chapter 9. Licensees

§901. Reinstatement of Lapsed Licenses

A. If the licensee is not renewed by the end of July, due notice having been given, the license shall be regarded as lapsed for the year beginning with that August. Such lapsed license shall not be listed in the directory.

B. The person shall not practice psychology in Louisiana while the license is lapsed.

C. Within two years of the lapsing of such license, the licensee may submit an application for reinstatement for board review along with the payment of a reinstatement fee equal to the current application fee and the current renewal fee. Applicants who appear for reinstatement after one year of the lapsing of his/her license are required to submit to a criminal background check.

D. After two years of the lapsing of such license, the licensee may submit an application for reinstatement for board review along with the payment of a reinstatement fee equal to the current application fee and the current renewal fee provided that the person is in compliance with R.S. 37:2357.A and the rules and regulations of the board. Applicants for reinstatement received after two years are required to submit to a criminal background check and oral examination.

E. A lapsed license shall be reinstated as of the date all applicable requirements of R.S. 37:2357 have been met. However, the board retains the right to reinstate licenses retroactively in unusual circumstances as specified in the policy and procedures of the LSBEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 42:

§902. Provisional License Renewal

[Formerly §901]

A. A psychologist is eligible to renew their provisional license until July 31 of each year upon submission of the required renewal fee, renewal application form and fulfillment of all continuing education requirements as defined in LAC 46:LXIII.Chapter 8.

B. A provisional license may be valid for one year beginning August 1 through July 31 for each renewal period.

C. A person whose provisional license has been suspended is not eligible for renewal. Reinstatement procedures of a suspended provisional license are at the discretion of the board.

D. A person whose provisional license has been revoked is not eligible for renewal.

E. Provisionally licensed psychologists shall be eligible for renewal of provisional licensure no more than three consecutive years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2619 (December 2015), repromulgated LR 42:

§903. Lapsed Provisional License
[Formerly §902]

A. If a provisional license is not renewed by July 31, due notice having been given, the license shall be regarded as lapsed for the year beginning with that August. Such license is not eligible for reinstatement unless such requirements are satisfied within six months from the date of lapse.

B. If a provisional license lapses for a period longer than 6 months, one may make a new application to the board. It is at the discretion of the board that any requirements not fulfilled during the year prior to lapse be completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2620 (December 2015), repromulgated LR 42:

§904. Contact Information
[Formerly §903]

A. A licensed psychologist shall notify the board within 30 days, with documentation, attesting to any change of contact information including mailing address, work address, telephone number and email address. This documentation notice shall include the psychologist's, full name, license number, and the old and new contact information.

B. Should a psychologist be displaced to a temporary location due to an emergency, the psychologist shall notify the board within 30 days, with documentation attesting to the temporary change in contact information. The documented notice shall include the psychologist's full name, license number, old and new temporary contact information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 32:1227 (July 2006), amended LR 39:2754 (October 2013), repromulgated LR 42:

Jaime T. Monic
Executive Director

1606#041

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Louisiana Low-Income Academic Hospitals
(LAC 50:V.2501 and Chapter 31)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.2501 and adopts LAC 50:V. Chapter 31 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and

shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated Emergency Rules which amended the provisions governing disproportionate share hospital (DSH) payments to hospitals participating in public-private partnerships in the south and north Louisiana areas (*Louisiana Register*, Volume 39, Numbers 7 and 10). As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the corresponding state plan amendments, the department determined that it was necessary to repeal the provisions of the July 6, 2013 and October 1, 2013 Emergency Rules governing DSH payments to the hospitals participating in the south and north Louisiana area public-private partnerships.

The department promulgated an Emergency Rule which amended the provisions governing DSH payments in order to establish payments to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 6). The department subsequently amended the provisions of the May 24, 2014 Emergency Rule to clarify the provisions governing the payment methodology to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 9). The department has now determined that it is necessary to amend the provisions of the September 20, 2014 Emergency Rule in order to clarify qualifying criteria for Louisiana Low-Income Academic Hospitals and reimbursement methodology. This Emergency Rule also amends the provisions governing the DSH payment methodology. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective June 20, 2016 the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions of the September 20, 2014 Emergency Rule governing DSH payments to low-income academic hospitals and the DSH payment methodology.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 25. Disproportionate Share Hospital Payment Methodologies

§2501. General Provisions

- A. - C. ...
- D. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:657 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:790 (April 2014), LR: 42:

Chapter 31. Louisiana Low-Income Academic Hospitals

§3101. Qualifying Criteria

A. Hospitals Located Outside of the Baton Rouge and New Orleans Metropolitan Statistical Area

1. Effective for dates of service on or after July 1, 2016, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located outside of the Baton Rouge and New Orleans metropolitan statistical area (MSA) which:

i. entered into a cooperative endeavor agreement with the State of Louisiana to increase its provision of inpatient Medicaid and uninsured services by providing services that were previously delivered and terminated or reduced by a state owned and operated facility; or

ii. is formerly a state owned and operated hospital whose ownership change to non-state privately owned and operated prior to July 1, 2014;

b. has Medicaid inpatient days utilization greater than 18.9 percent. Qualification shall be calculated by dividing the Medicaid inpatient days by the total inpatient days reported on the Medicaid as filed cost report ending during state fiscal year 2015 received by April 30, 2016, and shall include traditional, shared, and managed care Medicaid days per the worksheet S-3 part I, lines 1 through 18. Column 7 shall be used to determine allowable Medicaid days and column 8 shall be used to determine total inpatient days; and

c. has a ratio of intern and resident full time equivalent s (FTEs) to total inpatient beds that is greater than .08. Qualification shall be based on the total inpatient beds and intern and resident FTEs reported on the Medicare/Medicaid cost report ending during state fiscal year 2015. The ratio of interns and resident FTEs shall be calculated by dividing the unweighted intern and resident FTEs reported on the Medicare Cost Report Worksheet E-4, line 6 by the total inpatient beds, excluding nursery and Medicare designated distinct part psychiatric unit beds, reported on worksheet S-3, column 2, lines 1 through 18.

B. Hospitals Located In the New Orleans Metropolitan Statistical Area

1. Effective for dates of service on or after July 1, 2016, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located in the New Orleans MSA which

i. entered into a cooperative endeavor agreement with the State of Louisiana to increase its provision of inpatient Medicaid and uninsured services by providing services that were previously delivered and terminated or reduced by a state owned and operated facility; or

ii. is formerly a state owned and operated hospital whose ownership changed to non-state privately owned and operated prior to July 1, 2014;

b. has Medicaid inpatient days utilization greater than 45 percent. Qualification shall be calculated by dividing the Medicaid inpatient days by the total inpatient days reported on the Medicaid as filed cost report ending during state fiscal year 2015 received by April 30, 2016, and shall include traditional, shared, and managed care Medicaid days per the worksheet S-3 part I, lines 1 through 18. Column 7 shall be used to determine allowable Medicaid days and column 8 shall be used to determine total inpatient days; and

c. has a ratio of intern and resident FTEs to total inpatient beds that is greater than 1.25. Qualification shall be based on the total inpatient beds and intern and resident FTEs reported on the Medicare/Medicaid cost report ending during state fiscal year 2015. The ratio of interns and resident FTEs shall be calculated by dividing the unweighted intern and resident FTEs reported on the Medicare Cost

Report Worksheet E-4, line 6 by the total inpatient beds, excluding nursery and Medicare designated distinct part psychiatric unit beds, reported on worksheet S-3, column 2, lines 1 through 18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§3103. Payment Methodology

A. Each qualifying hospital shall be paid DSH adjustment payments equal to 100 percent of allowable hospital specific uncompensated care costs.

1. Costs, patient specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1606#055

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Mental Health Emergency Room Extensions
(LAC 50:V.2711)

The Department of Health and Hospitals, Bureau of Health Services Financing repeals LAC 50:V.2711 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing disproportionate share hospital (DSH) payments for mental health emergency room extensions (MHEREs) in order to change the deadline for hospitals that established a MHERE to sign an agreement to participate for

reimbursement of uncompensated care costs for psychiatric services (*Louisiana Register*, Volume 36, Number 8).

As a result of a budgetary shortfall in state fiscal year 2015, the department determined that it was necessary to amend the provisions governing DSH payments to eliminate payments for MHEREs (*Louisiana Register*, Volume 41, Number 3). This Emergency Rule is being promulgated in order to continue the provisions of the March 5, 2015 Emergency Rule. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Effective July 1, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing repeals the provisions governing disproportionate share hospital payments for mental health emergency room extensions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2711. Mental Health Emergency Room Extensions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1628 (August 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1781 (August 2010), repealed LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1606#056

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment
School-Based Nursing Services
(LAC 50:XV.9501)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.9501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated a Rule which adopted provisions to establish reimbursement and coverage for school-based nursing services rendered to all children

enrolled in Louisiana schools (*Louisiana Register*, Volume 39, Number 10).

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) recently issued guidance which removed the requirement that school-based nursing services be included on the individualized education plan (IEP) to be reimbursed by Medicaid. As a result of the CMS guidance, the department promulgated an Emergency Rule which amended the provisions governing school-based nursing services covered in the EPSDT Program to remove the IEP requirement (*Louisiana Register*, Volume 41, Number 6). This Emergency Rule is being promulgated to continue the provisions of the July 1, 2015 Emergency Rule. This action is being taken to avoid CMS sanctions, promote the health and welfare of Medicaid eligible recipients, and to assure a more efficient and effective delivery of health care services.

Effective June 28, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing Medicaid coverage of school-based nursing services covered under the Early and Periodic Screening, Diagnosis and Treatment Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 95. School-Based Nursing Services

§9501. General Provisions

A. - B. ...

C. School-based nursing services shall be covered for all recipients in the school system.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2760 (October 2013), amended LR: 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1606#057

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
(LAC 50:II.20001)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:II.20001 in the Medical Assistance Program as authorized by R.S. 36:254

and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement to nursing facilities, through vendor payments, for services rendered to Medicaid eligible individuals who reside in nursing facilities.

For state fiscal year (SFY) 2015-16, the department determined it was necessary to promulgate an Emergency Rule to amend the provisions governing the reimbursement methodology for nursing facilities in order to suspend the provisions of LAC 50:II.Chapter 200, and to impose provisions to ensure that the rates in effect do not increase for the SFY 2016 rating period (*Louisiana Register*, Volume 41, Number 7).

This Emergency Rule is being promulgated in order to continue the provisions of the July 11, 2015 Emergency Rule. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Effective July 8, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Chapter 200. Reimbursement Methodology

§20001. General Provisions

A. Definitions

Administrative and Operating Cost Component—the portion of the Medicaid daily rate that is attributable to the general administration and operation of a nursing facility.

Assessment Reference Date—the date on the minimum data set (MDS) used to determine the due date and delinquency of assessments. This date is used in the case-mix reimbursement system to determine the last assessment for each resident present in the facility and is included in the quarterly case-mix report.

Base Resident-Weighted Median Costs and Prices—the resident-weighted median costs and prices calculated in accordance with §20005 of this Rule during rebase years.

Calendar Quarter—a three-month period beginning January 1, April 1, July 1, or October 1.

Capital Cost Component—the portion of the Medicaid daily rate that is:

- a. attributable to depreciation;
- b. capital related interest;
- c. rent; and/or
- d. lease and amortization expenses.

Care Related Cost Component—the portion of the Medicaid daily rate that is attributable to those costs indirectly related to providing clinical resident care services to Medicaid recipients.

Case Mix—a measure of the intensity of care and services used by similar residents in a facility.

Case-Mix Index (CMI)—a numerical value that describes the resident's relative resource use within the

groups under the resource utilization group (RUG-III) classification system, or its successor, prescribed by the department based on the resident's MDS assessments. Two average CMIs will be determined for each facility on a quarterly basis, one using all residents (the facility average CMI) and one using only Medicaid residents (the Medicaid average CMI).

Case-Mix MDS Documentation Review (CMDR)—a review of original legal medical record documentation on a randomly selected MDS assessment sample. The original legal medical record documentation supplied by the nursing facility is to support certain reported values that resulted in a specific RUG classification. The review of the documentation provided by the nursing facility will result in the RUG classification being supported or unsupported.

Cost Neutralization—refers to the process of removing cost variations associated with different levels of resident case mix. Neutralized cost is determined by dividing a facility's per diem direct care costs by the facility cost report period case-mix index.

Delinquent MDS Resident Assessment—an MDS assessment that is more than 121 days old, as measured by the assessment reference date (ARD) field on the MDS.

Direct Care Cost Component—the portion of the Medicaid daily rate that is attributable to:

- a. registered nurse (RN), licensed practical nurse (LPN) and nurse aide salaries and wages;
- b. a proportionate allocation of allowable employee benefits; and
- c. the direct allowable cost of acquiring RN, LPN and nurse aide staff from outside staffing companies.

Facility Cost Report Period Case-Mix Index—the average of quarterly facility-wide average case-mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the facility's cost reporting period that is used to determine the medians. This average includes any revisions made due to an on-site CMDR.

Example: A January 1, 2011-December 31, 2011 cost report period would use the facility-wide average case-mix indices calculated for March 31, 2011, June 30, 2011, September 30, 2011 and December 31, 2011.

Facility-Wide Average Case-Mix Index—the simple average, carried to four decimal places, of all resident case-mix indices based on the last day of each calendar quarter. If a facility does not have any residents as of the last day of a calendar quarter or the average resident case-mix indices appear invalid due to temporary closure or other circumstances, as determined by the department, a statewide average case-mix index using occupied and valid statewide facility case-mix indices may be used.

Final Case-Mix Index Report (FCIR)—the final report that reflects the acuity of the residents in the nursing facility on the last day of the calendar quarter, referred to as the point-in-time.

Index Factor—will be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data Resources Incorporated (DRI-WEFA), or a comparable index if this index ceases to be published.

Minimum Data Set (MDS)—a core set of screening and assessment data, including common definitions and coding categories that form the foundation of the comprehensive assessment for all residents of long-term care facilities

certified to participate in the Medicaid Program. The items in the MDS standardize communication about resident problems, strengths, and conditions within facilities, between facilities, and between facilities and outside agencies. The Louisiana system will employ the current MDS assessment required and approved by the Centers for Medicare and Medicaid Services (CMS).

MDS Supportive Documentation Guidelines—the department’s publication of the minimum medical record documentation guidelines for the MDS items associated with the RUG-III or its successor classification system. These guidelines shall be maintained by the department and updated and published as necessary.

Pass-Through Cost Component—includes the cost of property taxes and property insurance. It also includes the provider fee as established by the Department of Health and Hospitals.

Preliminary Case Mix Index Report (PCIR)—the preliminary report that reflects the acuity of the residents in the nursing facility on the last day of the calendar quarter.

Rate Year—a one-year period from July 1 through June 30 of the next calendar year during which a particular set of rates are in effect. It corresponds to a state fiscal year.

Resident-Day-Weighted Median Cost—a numerical value determined by arraying the per diem costs and total actual resident days of each nursing facility from low to high and identifying the point in the array at which the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all nursing facilities. The per diem cost at this point is the resident-day-weighted median cost.

RUG-III Resident Classification System—the resource utilization group used to classify residents. When a resident classifies into more than one RUG-III, or its successor’s group, the RUG-III or its successor’s group with the greatest CMI will be utilized to calculate the facility average CMI and Medicaid average CMI.

Summary Review Results Letter—a letter sent to the nursing facility that reports the final results of the case-mix MDS documentation review and concludes the review.

a. The summary review results letter will be sent to the nursing facility within 10 business days after the final exit conference date.

Supervised Automatic Sprinkler System—a system that operates in accordance with the latest adopted edition of the National Fire Protection Association’s *Life Safety Code*. It is referred to hereafter as a fire sprinkler system.

Two-Hour Rated Wall—a wall that meets American Society for Testing and Materials International (ASTM) E119 standards for installation and uses two-hour rated sheetrock.

Unsupported MDS Resident Assessment—an assessment where one or more data items that are used to classify a resident pursuant to the RUG-III, 34-group, or its successor’s resident classification system is not supported according to the MDS supporting documentation guidelines and a different RUG-III, or its successor, classification would result; therefore, the MDS assessment would be considered “unsupported.”

B. Effective for the rate period of July 1, 2015 through June 30, 2016, the department shall suspend the provisions of LAC 50:II.Chapter 200 governing the reimbursement

methodology for nursing facilities and imposes the following provisions governing reimbursements for nursing facility services.

1. During this time period, no inflation factor will be applied to the base resident day weighted medians and prices calculated as of July 1, 2014.

2. All costs and cost components that are required by rule to be trended forward will only be trended forward to the midpoint of the 2015 state fiscal year (December 31, 2014).

3. The base capital per square foot value, land value per square foot, and per licensed bed equipment value utilized in the calculation of the fair rental value (FRV) component will be set equal to the value of these items as of July 1, 2014.

4. Base capital values for the Bed Buy-Back program (§20012) purposes will be set equal to the value of these items as of July 1, 2014.

5. Nursing facility providers will not have their weighted age totals for the FRV component calculation purposes increased by one year as of July 1, 2015.

6. As of the July 1, 2016 rate setting, nursing facility provider weighted age totals for the FRV component calculation purposes will be increased by two years to account for the suspended year of aging occurring as of the July 1, 2015 rating period.

7. No other provisions of LAC 50:II.Chapter 200 shall be suspended for this time period.

Base Resident—Repealed.

Calendar Quarter—Repealed.

Capital Cost Component—Repealed.

1. - 4. Repealed.

Care Related Cost Component—Repealed.

Case Mix—Repealed.

Case-Mix Index—Repealed.

Case-Mix MDS Documentation Review (CMDR)—Repealed.

Cost Neutralization—Repealed.

Delinquent MDS Resident Assessment—Repealed.

Direct Care Cost Component—Repealed.

1. - 3. Repealed.

Facility Cost Report Period Case-Mix Index—Repealed.

Example—Repealed.

Facility-Wide Average Case-Mix Index—Repealed.

Final Case-Mix Index Report (FCIR)—Repealed.

Index Factor—Repealed.

Minimum Data Set (MDS)—Repealed.

MDS Supportive Documentation Guidelines—Repealed.

Pass-Through Cost Component—Repealed.

Preliminary Case Mix Index Report (PCIR)—Repealed.

Rate Year—Repealed.

Resident-Day-Weighted Median Cost—Repealed.

RUG-III Resident Classification System—Repealed.

Summary Review Results Letter—Repealed.

1. Repealed.

Supervised Automatic Sprinkler System—Repealed.

Two-Hour Rated Wall—Repealed.

Unsupported MDS Resident Assessment—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1790 (August 2002), amended LR

28:2537 (December 2002), LR 32:2262 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1606#058

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Recovery Audit Contractor Program (LAC 50:I.Chapter 85)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:I.Chapter 85 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Patient Protection and Affordable Care Act (PPACA), U.S. Public Law 111-148, and 111-152 directed states to establish a Recovery Audit Contractor (RAC) program to audit payments to Medicaid providers. Act 568 of the 2014 Regular Session of the Louisiana Legislature directed the Department of Health and Hospitals to implement a Recovery Audit Contractor program. In compliance with the Patient Protection and Affordable Care Act (PPACA) and Act 568, the department promulgated an Emergency Rule which adopted provisions to establish the RAC program (*Louisiana Register*, Volume 40, Number 11). This Emergency Rule is being promulgated to continue the provisions of the November 20, 2014 Emergency Rule. This action is being taken to avoid federal sanctions.

Effective July 17, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions establishing the Recovery Audit Contractor program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 9. Recovery

Chapter 85. Recovery Audit Contractor

§8501. General Provisions

A. Pursuant to the provisions of the Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, 111-152, and Act 562 of the Regular Session of the Louisiana Legislature, the Medicaid Program adopts provisions to establish a Recovery Audit Contractor (RAC) program.

B. These provisions do not prohibit or restrict any other audit functions that may be performed by the department or its contractors. This rule shall only apply to Medicaid RACs as they are defined in applicable federal law.

C. This Rule shall apply to RAC audits that begin on or after November 20, 2014, regardless of dates of claims reviewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8503. Definitions

Adverse Determination—any decision rendered by the recovery audit contractor that results in a payment to a provider for a claim or service being reduced either partially or completely.

Department—Department of Health and Hospitals (DHH) or any of its sections, bureaus, offices, or its contracted designee.

Provider—any healthcare entity enrolled with the department as a provider in the Medicaid program.

Recovery Audit Contractor (RAC)—a Medicaid recovery audit contractor selected by the department to perform audits for the purpose of ensuring Medicaid program integrity in accordance with the provisions of 42 CFR 455 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8505. Contractor Functions

A. Notwithstanding any law to the contrary, the RAC shall perform all of the following functions.

1. The RAC shall ensure it is reviewing claims within three years of the date of its initial payment. For purposes of this requirement, the three year look back period shall commence from the beginning date of the relevant audit.

2. The RAC shall send a determination letter concluding an audit within 60 days of receipt of all requested materials from a provider.

3. For any records which are requested from a provider, the RAC shall ensure proper identification of which records it is seeking. Information shall include, but is not limited to:

- a. recipient name;
- b. claim number;
- c. medical record number (if known); and
- d. date(s) of service.

B. Pursuant to applicable statute, the RAC program's scope of review shall exclude the following:

1. all claims processed or paid within 90 days of implementation of any Medicaid managed care program that relates to said claims. This shall not preclude review of claims not related to any Medicaid managed care program implementation;

2. claims processed or paid through a capitated Medicaid managed care program. This scope restriction shall not prohibit any audits of per member per month payments from the department to any capitated Medicaid managed care plan utilizing such claims; and

3. medical necessity reviews in which the provider has obtained prior authorization for the service.

C. The RAC shall refer claims it suspects to be fraudulent directly to the department for investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8507. Reimbursement and Recoupment

A. The department has in place, and shall retain, a process to ensure that providers receive or retain the appropriate reimbursement amount for claims within any look back period in which the RAC determines that services delivered have been improperly billed, but reasonable and necessary. It shall be the provider's responsibility to provide documentation to support and justify any recalculation.

B. The RAC and the department shall not recoup any overpayments identified by the RAC until all informal and formal appeals processes have been completed. For purposes of this Section, a final decision by the Division of Administrative Law shall be the conclusion of all formal appeals processes. This does not prohibit the provider from seeking judicial review and any remedies afforded thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8509. Provider Notification

A. The RAC shall provide a detailed explanation in writing to a provider for any adverse determination as defined by state statute. This notification shall include, but not be limited to the following:

1. the reason(s) for the adverse determination;
2. the specific medical criteria on which the determination was based, if applicable;
3. an explanation of any provider appeal rights; and
4. an explanation of the appropriate reimbursement determined in accordance with §8507, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8511. Records Requests

A. The RAC shall limit records requests to not more than 1 percent of the number of claims filed by the provider for the specific service being reviewed in the previous state fiscal year during a 90 day period. The 1 percent shall be further limited to 200 records. For purposes of this Chapter, each specific service identified for review within the requested time period will be considered a separate and distinct audit.

B. The provider shall have 45 calendar days to comply with any records request unless an extension is mutually agreed upon. The 45 days shall begin on the date of receipt of any request.

1. *Date of Receipt*—two business days from the date of the request as confirmed by the post office date stamp.

C. If the RAC demonstrates a significant provider error rate relative to an audit of records, the RAC may make a request to the department to initiate an additional records request relative to the issue being reviewed for the purposes of further review and validation.

1. The provider shall be given an opportunity to provide written objections to the secretary or his/her

designee of any subsequent records request. Decisions by the secretary or his/her designee in this area are final and not subject to further appeal or review.

2. This shall not be an adverse determination subject to the Administrative Procedures Act process.

3. A significant provider error rate shall be defined as 25 percent.

4. The RAC shall not make any requests allowed above until the time period for the informal appeals process has expired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8513. Audits and Records Submission

A. The RAC shall utilize provider self-audits only if mutually agreed to by the provider and the RAC.

B. If the provider is determined to be a low-risk provider, the RAC shall schedule any on-site audits with advance notice of not less than 10 business days. The RAC shall make a reasonable good-faith effort to establish a mutually agreed upon date and time, and shall document such efforts.

C. In association with an audit, providers shall be allowed to submit records in electronic format for their convenience. If the RAC requires a provider to produce records in any non-electronic format, the RAC shall make reasonable efforts to reimburse the provider for the reasonable cost of medical records reproduction consistent with 42 CFR 476.78.

1. The cost for medical record production shall be at the current federal rate at the time of reimbursement to the provider. This rate may be updated periodically, but in no circumstance shall it exceed the rate applicable under Louisiana statutes for public records requests.

2. Any costs associated with medical record production may be applied by the RAC as a credit against any overpayment or as a reduction against any underpayment. A tender of this amount shall be deemed a reasonable effort.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§8515. Appeals Process

A. A provider shall have a right to an informal and formal appeals process for adverse determinations made by the RAC.

B. The informal appeals process shall be conducted as follows.

1. Beginning on the date of issuance of any initial findings letter by the RAC, there shall be an informal discussion and consultation period. During this period the provider and RAC may communicate regarding any audit determinations.

2. Within 45 calendar days of receipt of written notification of an adverse determination from the RAC, a provider shall have the right to request an informal hearing relative to such determination. The department's Program Integrity Section shall be involved in this hearing. Any such request shall be in writing and the date of receipt shall be deemed to be two days after the date of the adverse determination letter.

3. The informal hearing shall occur within 30 days of receipt of the provider's request.

4. At the informal hearing the provider shall have the right to present information orally and in writing, the right to present documents, and the right to have the department and the RAC address any inquiry the provider may make concerning the reason for the adverse determination. A provider may be represented by an attorney or authorized representative, but any such individual must provide written notice of representation along with the request for informal hearing.

5. The RAC and the Program Integrity Section shall issue a final written decision related to the informal hearing within 15 calendar days of the hearing closure.

C. Within 30 days of issuance of an adverse determination of the RAC, if an informal hearing is not requested or there is a determination pursuant to an informal hearing, a provider may request an administrative appeal of the final decision by requesting a hearing before the Division of Administrative Law. A copy of any request for an administrative appeal shall be filed contemporaneously with the Program Integrity Section. The date of issuance of a final decision or determination pursuant to an informal hearing shall be two days from the date of such decision or determination.

D. The department shall report on its website the number of adverse determinations overturned on informal or formal appeals at the end of the month for the previous month.

E. If the department or the Division of Administrative Law hearing officer finds that the RAC determination was unreasonable, frivolous or without merit, then the RAC shall reimburse the provider for its reasonable costs associated with the appeals process. Reasonable costs include, but are not limited to, cost of reasonable attorney's costs and other reasonable expenses incurred to appeal the RAC's determination. The fact that a decision has been overturned or partially overturned via the appeals process shall not mean the determination was without merit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42: **§8517. Penalties and Sanctions**

A. If the department determines that the RAC inappropriately denied a claim(s), the department may impose a penalty or sanction. A claim has been inappropriately denied when the:

1. adverse determination is not substantiated by applicable department policy or guidance and the RAC fails to utilize guidance provided by the department; or

2. RAC fails to follow any programmatic or statutory rules.

B. If more than 25 percent of the RAC's adverse determinations are overturned on informal or formal appeal, the department may impose a monetary penalty up to 10 percent of the cost of the claims to be awarded to the providers of the claims inappropriately determined, or a monetary penalty up to 5 percent of the RAC's total collections to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1606#059

DECLARATION OF EMERGENCY

Department of Health Office for Citizens with Developmental Disabilities

Certification of Medication Attendants (LAC 48:IX.915 and 917)

The Office for Citizens with Developmental Disabilities (OCDD) adopts LAC 48:IX.Chapter 9, Guidelines for Certification of Medication Attendants (CMA). R.S. 37:1021-1025 authorizes the establishment of "a medication administration course for the purpose of training and certifying unlicensed personnel to administer certain medication to residents of intermediate care facilities for the developmental delayed (ICFs/DD) and community homes for the developmental delayed either operated by the Office for Citizens with Developmental Disabilities (OCDD) or funded through the Department of Health and Hospitals (DHH); and to individuals in programs/agencies contracting for services with DHH except as prohibited in §911.B.5."

Based on an opinion given by the Louisiana State Board of Medical Examiners, the Department of Health and Hospitals has discontinued the use of physician delegation forms in intermediate care facilities and home and community-based settings. Unlicensed personnel must now complete minimum training requirements in order to administer medication to individuals with intellectual and developmental disabilities. The termination of physician delegation has resulted in a large influx of individuals seeking CMA training and certification. This has created an administrative burden to providers as well as OCDD to timely process a steadily increasing number of certifications. This is also an unfunded training mandate, which incurs significant costs to provider agencies and requires annual continuing education for re-certification. Due to limited funding, provider agencies who cannot afford to maintain the certification will experience a reduction in unlicensed personnel who are qualified to give medication to clients, thus increasing the risk for medication errors, critical incidents, and mortality for medically compromised and vulnerable clients. The Office for Citizens with Developmental Disabilities, seeks to extend the certification period for certified medication attendants to two years effective June 18, 2016. Provider agencies must determine CMA competency annually during the two year period.

Also effective June 18, 2016, OCDD will allow CMAs who have not worked directly with medication administration for 12 months or more to be administered the statewide exam and a competency evaluation rather than requiring that they repeat the training. The opportunity for

this will also decrease administrative burden and allow qualified individuals to more quickly re-enter the work force which will in turn, help assure client health and safety. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 48

PUBLIC HEALTH—GENERAL

Part IX. Mental Retardation/Developmental Services

Chapter 9. Guidelines for Certification of Medication Attendants

§915. Certification Requirements and Process

A. CMA certificates issued after rule promulgation will expire two years from the last day of the month that the certificate was printed.

A.1. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:696 (July 1995), amended LR 23:1147 (September 1997), Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§917. Re-Certification Requirements and Process

A. Bi-Annual Requirements. On a bi-annual basis each CMA must be recertified. The requirements for re-certification are:

1. completion of a total of nine hours of in service training. Two of the nine hours must directly relate to the agency's medication administration policy and procedure. The remaining seven hours of in-service must relate to medication administration. A CMA working in multiple agencies may combine training to meet these requirements with the exception that the two-hour training on agency medication administration policy and procedure is required for each employer. Each agency must have documentation of each CMA's required nine hours of in service training;

2. pass with proficiency, either by physical or verbal demonstration, the 25 skills on the practical checklist on an annual basis. The annual cycle is based on the last day of the month that the certificate was printed. If a CMA changes employers within the certification period and training records are not available for the first year, the new employer must determine competency by assessing the 25 skills upon hire, in addition to meeting these requirements for re-certification.

B. - C. ...

D. The re-certification requirements must be met prior to the month of expiration of the CMA's certification.

E. A CMA who has not worked directly with medication administration in a facility, program, or agency for the intellectually/developmentally disabled for 12 months or more must take the OCDD CMA state exam again and pass with proficiency the 25 skills checklist. If the CMA does not pass the state exam, then the CMA must repeat the 60-hour course and pass the exam prior to being recertified. Failure to pass the state exam will result in de-certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:697 (July 1995), amended LR 23:1147 (September 1997), Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§919. De-Certification of Medication Attendants

A. - A.6. ...

B. De-certification may occur under the following conditions.

1. Failure of CMA to obtain re-certification requirements. The CMA may be reinstated if the re-certification requirements are met within six months of expiration of the certificate. During this six-month period the CMA's authorized functions shall be suspended;

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:697 (July 1995), Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§925. Provider Responsibility

A. - A.2. ...

3. documentation of annual successful completion of the 25 skills checklist and bi-annual completion of continuing education necessary for re-certification of CMA.

B. The provider is legally responsible for the level of competency of its personnel and for ensuring that unlicensed staff administering medication have successfully completed the medication administration course curriculum. Additionally, the provider is responsible for maintaining re-certification requirements of their CMA's and that their CMA's perform their functions in a safe manner.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:699 (July 1995), Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Public Comments

Interested persons may submit written comments to Mark A. Thomas, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. He is responsible for responding to inquiries regarding this Emergency Rule.

Rebekah E. Gee MD, MPH
Secretary

1606#037

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of the State Fire Marshal Uniform Construction Code Council

Uniform Construction Code (LAC 17:I.Chapter 1)

Editors Note: This Emergency Rule, originally printed on pages 720-727 of the May 20, 2016 issue of the *Louisiana Register*, is being reprinted to show all text being saved in the previous version's cited references.

The Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B), of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt amendments of the current plumbing provisions in the *International Building Code*, *International Residential Code*, and the *International Plumbing Code* regarding health and safety for the public. This Emergency Rule was adopted and become effective May 10, 2016 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The LSUCCC is promulgating this Rule adoption and amendments to provide greater health and safety for the public and those providing installation and maintenance on plumbing systems. This rule was first adopted on December 9, 2015 and published in the December 2015 edition of the *Louisiana Register* (Vol.41, No. 12). The rule became effective on January 1, 2016. This Emergency Rule was adopted on May 10, 2016 to continue those provisions.

Act 836 of the 2014 Regular Session of the Louisiana Legislature mandates the adoption of the plumbing provisions in the *International Plumbing Code*, *International Building Code* and the *International Residential Code*. This Emergency Rule addresses this mandate by providing for necessary amendments to the codes. These amendments address the newly mandated provisions which the Department of Health and Hospitals (DHH) deemed inadequate. These amendments will also allow new technology and methods to be used that were not allowed in the previous *Louisiana State Plumbing Code*.

The public welfare dictates that these changes be implemented immediately through the adoption of this Emergency Rule to promote greater safety to existing plumbing systems and those providing maintenance and installation on plumbing systems thus allowing new and existing facilities to incorporate designs which provided for greater public safety while providing more cost-effective new methods and technology.

The public welfare further dictates that these changes are implemented immediately through the adoption of this Emergency Rule because of the health risks these amendments address. Adoption of this emergency rule will allow owners and developers to immediately use these new standards in expanding existing facilities and/or constructing new facilities.

Adoption of this Emergency Rule will also provide proven methods for plumbing systems and new technology in the plumbing codes which will ensure the health, safety and welfare of not only plumbers, installers and maintenance workers, but for the public as well.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective January 1, 2016 the following is hereby adopted as an amendment to the Louisiana state Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:05 (May 2016); repromulgated LR 42:

§103. *International Building Code* (Formerly LAC 55:VI.301.A.1)

A. *International Building Code* (IBC), 2012 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility and Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

1. Amend Chapter 2 Definitions and add the following.

Adult Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

Child Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center.

Day Care Centers—includes adult and child day care centers.

Infant—any child under the age of 12 months.

Preschool—any child less than five years of age.

Residential Facility—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

2. Delete Chapter 4, Section 403.5.5, Luminous Egress Path Markings.

3. Amend Chapter 9 to adopt and amend 2012 *International Building Code*, Section 903.2.1.2, Group A-2 (2.). The fire area has an occupant load of 300 or more.

4. Amend chapter 10, Section 1018.5, Air Movement in corridors. Corridors that require protection under Table 1018.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.

5. Amend Chapter 10, Section 1026.5.

a. Exception: exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.

6. Amend Section 1505.1, General. Roof assemblies shall be divided into the classes defined below. Class A, B and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

a. Exception: skylights and sloped glazing that comply with Chapter 24 or Section 2610.

7. Table 1505.1a, b.

Minimum Roof Covering Classification for Types of Construction							
IA	IB	IIA	IIB	IIIA	IIIB	IV	VB
B	B	B	C ^c	B	C ^c	B	C ^c

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m²

a. Unless otherwise required in accordance with the *International Wildland—Urban Interface Code* or due to the location of the building within a fire district in accordance with Appendix D.

b. Nonclassified roof coverings shall be permitted on buildings of Group R-3 and Group U occupancies, where there is a minimum fire-separation distance of 6 feet measured from the leading edge of the roof.

c. Buildings that are not more than two stories above grade plane and having not more than 6,000 square feet of projected roof area and where there is a minimum 10-foot fire-separation distance from the leading edge of the roof to a lot line on all sides of the building, except for street fronts or public ways, shall be permitted to have roofs of No. 1 cedar or redwood shakes and No. 1 shingles constructed in accordance with Section 1505.7.

8. Amend Section 1509.7, Photovoltaic panels and modules. Rooftop mounted photovoltaic panels and modules shall be designed in accordance with this section.

9. Amend Section 1509.7.1, Wind resistance. Rooftop-mounted photovoltaic panels and modules shall be designed for component and cladding wind loads in accordance with Chapter 16 using an effective wind area based on the dimensions of a single unit frame.

a. Amend Section 1509.7.2, Fire classification. Rooftop-mounted photovoltaic panels and modules shall have the fire classification in accordance with Section 1505.9.

10. Amend Section 1509.7.3, Installation. Rooftop-mounted photovoltaic panels and modules shall be installed in accordance with the manufacturer's instructions.

11. Amend Section 1509.7.4, Photovoltaic panels and modules. Rooftop-mounted photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703 and shall be installed in accordance with the manufacturer's instructions.

12. Add 1509.7.4.1, Building-integrated photovoltaic products. Building-integrated photovoltaic products installed as the roof covering shall be tested, listed and labeled for fire classification in accordance with Section 1505.1.

13. Add Section 1505.9.7.4.2, Photovoltaic panels and modules. Rooftop mounted photovoltaic panel systems shall be tested, listed and identified with a fire classification in accordance with UL 1703. The fire classification shall comply with Table 1505.1 based on the type of construction of the building.

14. Amend Section 1511.1, Photovoltaic panels and modules. Photovoltaic panels and modules installed upon a roof or as an integral part of a roof assembly shall comply with the requirements of this code and the *International Fire Code*.

15. Add Section 1511.2, Solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 1511.2 through 1511.1.1., the *International Building Code* or *International Residential Code*, and NFPA 70.

16. Add Section 1511.2.1, Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Sections 1511.2.1 through 1511.2.1.1.

a. Exceptions:

i. detached, nonhabitable Group U structures including, but not limited to, parking shade structures, carports, solar trellises and similar structures;

ii. roof access, pathways and spacing requirements need not be provided where the fire chief has determined that rooftop operations will not be employed.

17. Add Section 1511.2.1.1, Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

18. Add Section 1511.3, Solar photovoltaic systems for Group R-3 buildings. Solar photovoltaic systems for Group R-3 buildings shall comply with Sections 1511.3 through 1511.3.5.

a. Exception:

i. These requirements shall not apply to structures designed and constructed in accordance with the *International Residential Code*.

19. Add Section 1511.3.1, Size of solar photovoltaic array. Each photovoltaic array shall be limited to 150 feet (45 720 mm) by 150 feet (45 720 mm). Multiple arrays shall be separated by a 3-foot-wide (914 mm) clear access pathway.

20. Add Section 1511.3.2, Hip roof layouts. Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3-foot-wide (914 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location on the building capable of supporting the fire fighters accessing the roof.

a. Exception:

i. These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

21. Add Section 1511.3.3, Single-ridge roofs. Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels and modules are located.

a. Exception:

i. This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

22. Add Section 1511.3.4, Roofs with hips and valleys. Panels and modules installed on Group R-3 buildings with roof hips and valleys shall not be located closer than 18 inches (457 mm) to a hip or a valley where panels/ modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley that is of equal length, the panels shall be permitted to be placed directly adjacent to the hip or valley.

a. Exception:

i. These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

23. Add Section 1511.3.5, Allowance for smoke ventilation operations. Panels and modules installed on Group R-3 buildings shall be located not less than 3 feet (914 mm) from the ridge in order to allow for fire department smoke ventilation operations.

a. Exception:

i. Panels and modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

24. Add Section 1511.4, Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1511.4.1 through 1511.4.2.1.

a. Exception:

i. Where it is determined by the fire code official that the roof configuration is similar to that of a Group R-3 occupancy, the residential access and ventilation

requirements in Sections 1511.3.1 through 1511.3.5 shall be permitted to be used.

25. Add Section 1511.4.1, Access. There shall be a minimum 6-foot-wide (1829 mm) clear perimeter around the edges of the roof.

a. Exception:

i. Where either axis of the building is 250 feet (76 200 mm) or less, the clear perimeter around the edges of the roof shall be permitted to be reduced to a minimum 4 foot wide (1290 mm).

26. Add Section 1511.4.2, Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements.

a. The pathway shall be over areas capable of supporting fire fighters accessing the roof.

b. The centerline axis pathways shall be provided in both axes of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting fire fighters accessing the roof.

c. Pathways shall be a straight line not less than 4 feet (1290 mm) clear to roof standpipes or ventilation hatches.

d. Pathways shall provide not less than 4 feet (1290 mm) clear around roof access hatch with not less than one singular pathway not less than 4 feet (1290 mm) clear to a parapet or roof edge.

27. Add Section 1511.4.2.1, Smoke ventilation. The solar installation shall be designed to meet the following requirements.

a. Arrays shall be not greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for fire department smoke ventilation operations.

b. Smoke ventilation options between array sections shall be one of the following:

i. a pathway 8 feet (2438 mm) or greater in width;

ii. a 4-foot (1290 mm) or greater in width pathway and bordering roof skylights or gravity-operated dropout smoke and heat vents on not less than one side;

iii. a 4-foot (1290 mm) or greater in width pathway and bordering all sides of nongravity-operated dropout smoke and heat vents;

iv. a 4-foot (1290 mm) or greater in width pathway and bordering 4-foot by 8-foot (1290 mm by 2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway.

28. Amend Chapter 16 Section 1603.1, General. Construction documents shall show the size, section and relative locations of structural members with floor levels, column centers and offsets dimensioned. The design loads and other information pertinent to the structural design required by Sections 1603.1.1 through 1603.1.9 shall be indicated on the construction documents.

a. Exception: Construction documents for buildings constructed in accordance with the conventional light-frame construction provisions of Section 2308 shall indicate the following structural design information:

i. floor and roof live loads;

ii. ground snow load, Pg;

- iii. basic wind speed (3-second gust), miles per hour (mph) (km/hr) and wind exposure;
- iv. seismic design category and site class., unless excepted by Sections 1603.1.5 or 1613.1;
- v. flood design data, if located in flood hazard areas established in Section 1612.3;
- vi. design load-bearing values of soils.

29. Amend Chapter 16, Section 1603.1.5, Earthquake design data. The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:

- a. seismic importance factor, I, and occupancy category;
- b. mapped spectral response accelerations, SS and $S1$;
- c. site class;
- d. spectral response coefficients, SDS and $SD1$;
- e. seismic design category;
- f. basic seismic-force-resisting system(s);
- g. design base shear;
- h. seismic response coefficient(s), CS ;
- i. response modification factor(s), R ;
- j. analysis procedure used;
- k. exceptions:
 - i. construction documents that are not required to be prepared by a registered design professional;
 - ii. construction documents for structures that are assigned to Seismic Design Category A.

30. Amend Chapter, 16 Section 1609.1.2, Protection of Openings. In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows.

- a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996.
- b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.
- c. Exceptions:
 - i. Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where V_{asd} determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).

ii. Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected;

iii. Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.

31. Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.

- a. Exceptions:
 - i. detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration, SS , is less than 0.4 g;
 - ii. the seismic-force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this Section;
 - iii. agricultural storage structures intended only for incidental human occupancy;
 - iv. structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors;
 - v. structures that are not required to have a registered design professional in responsible charge;
 - vi. structures that are assigned to Seismic Design Category A.

b. Amend Chapter 16, Section 1613.1, Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.

32. Amend Chapter 23, Section 2308.2, Exceptions 4. Wind speeds shall not exceed 110 miles per hour (mph)(48.4m/s)(3 second gust) for buildings in exposure category B.

33. Amend Section [P]2901.1, Scope.

a. The provisions of this chapter and the *International Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in

accordance with Section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the *International Plumbing Code*. Commercial treatment facilities and individual sewerage systems shall conform to the applicable requirements of LAC 51:XIII (Sewage Disposal).

34. Amend Section [P]2902.3.2, Location of toilet facilities in occupancies other than malls and educational buildings.

a. In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

35. Add Section [P] 2902.3.6, Toilet Room Location.

a. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

36. Add Section [P] 2902.3.7, Location of toilet facilities in educational buildings.

a. For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 2902.1 of this Code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:

i. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;

ii. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this section; and

iii. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 2902.1 (Minimum Number of Required Plumbing Fixtures).

37. Add Section [P]2902.6, Other fixture requirements for licensed pre-schools, day care centers, and residential facilities.

a. Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.

38. Add Section [P]2902.6.1, Food preparation.

a. The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is

between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).

39. Add Section [P]2902.6.2, Caring for children between 0 and 4 years of age.

a. In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 2902.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 42: 05 (May 2016), repromulgated LR 42:

§107. *International Residential Code* (Formerly LAC 55:VI.301.A.3.a)

A.1. *International Residential Code*, 2012 Edition, not including Parts I-Administrative and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. Appendix G, Swimming Pools, Spas and Hot Tubs is adopted and at the option of a parish, municipality, or regional planning commission, Section AG105 Barrier Requirements may be altered. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

a. Add the following Chapter 2 definitions and amend as follows:

Air Break (Drainage System)—a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, or receptacle at a point below the flood level rim and above the trap seal. An unobstructed horizontal distance of free atmosphere between the outside of the indirect waste pipe and the inside of the waster receptor must exist so as to allow a back-flow of sewage to spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

Barometric Loop—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

Building Sewer—that part of the drainage system that extends from the end of the building drain and conveys the discharge to community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

By-Pass—any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

Containment—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

Continuous Water Pressure—a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.

Degree OF Hazard—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

Domestic Well—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.

Dual Check Valve—a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

Fixture Isolation—a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.

Human Consumption—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

Indirect Waste Pipe—a waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an air break or air gap into a trap, fixture, or waste receptor.

NOTE: Delete definition Individual water supply--A water supply that serves one or more families, and that is not an approved public water supply.

Lead Free—

(a). in general:

(i). not containing more than 0.2 percent lead when used with respect to solder and flux; and

(ii). not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

(b). calculation:

(i). the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

[a]. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Division (a)(ii) above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

Master Meter—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

Multipurpose Piping Fire Sprinkler System—a piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

Potable Water—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

Potable Water Supply—a publicly owned or privately owned water supply system which purveys potable water.

Private Water Supply—a potable water supply that does not meet the criteria for a public water supply including, but not limited to, a domestic well.

NOTE: Delete definition Public Water Main—A water supply pipe for public use controlled by public authority.

Public Water Supply—public water system.

Public Water System—a particular type of water supply system intended to provide potable water to the public having at least fifteen service connections or regularly serving an average of at least twenty-five individuals daily at least sixty days out of the year.

Sanitary Sewage—see “sewage.”

Septic Tank—a water-tight receptor that receives the discharge of a building sanitary drainage system and is constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid effluent to discharge into the soil outside of the tank through a system of open joint or perforated piping or is otherwise treated and disposed of utilizing other methods approved by the state health officer.

Sewerage System—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

Stand-Alone Fire Sprinkler System—a sprinkler system where the aboveground piping serves only fire sprinklers.

Waste Receptor—a plumbing fixture designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other plumbing fixtures, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed cleaning facilities with floor drain, and standpipe drains with integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

Water Supplier—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

Water Supply System—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

b. Adopt and amend 2012 IRC Section R301.2.1., Part IV-Energy Conservation of the latest edition of the *International Residential Code* is hereby amended to require that supply and return ducts be insulated to a minimum of R-6. Furthermore, 2012 IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the *International Residential Code*:

i. Delete Figure R301.2(4)B and replace all references to this figure with Figure R301.2(4)A.

c. Amend 2012 IRC Section R301.2.1.1 (Design Criteria); R301.2.1.1, Wind limitations and wind design required. The wind provisions of this code shall not apply to the design of buildings where the basic wind speed from Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s).

i. Exceptions:

(a). For concrete construction, the wind provisions of this Code shall apply in accordance with the limitations of Sections R404 and R611;

(b). For structural insulated panels, the wind provisions of this code shall apply in accordance with the limitations of Section R613.

ii. In regions where the basic wind speed shown on Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s), the design of buildings for wind loads shall be in accordance with one or more of the following methods:

(a). AF and PA Wood Frame Construction Manual (WFCM);

(b). ICC Standard for Residential Construction in High-Wind Regions (ICC 600);

(c). ASCE Minimum Design Loads for Buildings and Other Structures (ASCE 7);

(d). AISI Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings (AISI S230);

(e). International Building Code; or

(f). SSTD 10-99 Hurricane Resistant Construction Standard.

iii. The elements of design not addressed by the methods in Clauses (i) through (vi) shall be in accordance with the provisions of this Code. When ASCE 7 or the *International Building Code* is used for the design of the building, the wind speed map and exposure category requirements as specified in ASCE 7 and the *International Building Code* shall be used.

d. Adopt and amend 2012 IRC Section R301.2.1.2, Protection of Openings. Exterior glazing in buildings located in windborne debris regions shall be protected from windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E 1996 and ASTM E 1886 referenced therein. The applicable wind zones for establishing missile types in ASTM E 1996 are shown on Figure R301.2(4)F. Garage door glazed opening protection for windborne debris shall meet the requirements of an approved impact-resisting standard or ANSI/DASMA115.

i. Exceptions:

(a). Wood structural panels with a minimum thickness of 7/16 inch (11 mm) and a maximum span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings.

(b). Panels shall be precut and attached to the framing surrounding the opening containing the product with the glazed opening.

(c). Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided.

(d). Attachments shall be designed to resist the component and cladding loads determined in accordance with either Table R301.2(2) or ASCE 7, with the permanent corrosion-resistant attachment hardware provided and anchors permanently installed on the building.

(e). Attachment in accordance with Table R301.2.1.2 is permitted for buildings with a mean roof height of 33 feet (10 058 mm) or less where wind speeds do not exceed 130 miles per hour (58 m/s).

e. Adopt 2012 IRC Figure R301.2(4)A and delete Figure R301.2(4)B and Figure R301.2(4)C.

f. Adopt 2012 IRC Section R301.2.1.4, Exposure Category.

2. Additionally, Section 302, R302.1, Exterior Walls shall be amended to add the following exception:

a. On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding:

i. a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside;

ii. a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.

3. Amend Section R302.5.1 Opening Protection.

a. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.

4. Amend Section R303.4 Mechanical Ventilation. When a blower door test is performed, and the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested in accordance with the 2009 IRC Section N1102.4.2.1, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

5. Additionally, IRC shall be amended as follows and shall only apply to the *International Residential Code*.

a. Adopt and amend 2012 IRC Section 313.1 Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature, the council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings. Where no sprinkler system is installed a common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with the 2011 NEC. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

i. Exception: If an owner voluntarily chooses to install an automatic residential fire sprinkler system it shall be installed per Section R313.1.1 Design and installation. Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with NFPA 13D and Table 302.1 (2) Exterior Walls-Dwellings with Fire sprinklers may be used for separation requirements.

b. Adopt and amend 2012 IRC Section 313.2 One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature, the Council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.

i. Exception: if an owner voluntarily chooses to install an automatic residential fire sprinkler system it shall be installed per Section R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA 13D and Table 302.1(2) Exterior Walls-Dwellings with Fire sprinklers may be used for separation requirements.

c. Amend Chapter 3, Section R315.2, Where Required in Existing Dwellings. When alterations, repairs or additions occur or where one or more sleeping rooms are

added or created in existing dwellings that have attached garages or in existing dwellings within which fuel fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.

d. Substitute Chapter 3, Section R317, Dwelling Unit Separation of the 2006 IRC, in lieu of the Section 313, Automatic Fire Sprinkler Systems of the 2009 IRC. In addition, Chapter 3, Section R 302.2, Townhouses of the 2009 IRC, is amended as follows.

i. Exceptions:

(a). a common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall;

(b). electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4;

(c). Chapter 3, Section R302.2.4, Structural Independence of the 2009 IRC, is amended as follows: Exception: Number 5, Townhouses, separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

e. Add 2015 IRC Section 324 to the 2012 IRC.

i. Amend Section R324.7.2 Solar photovoltaic systems. Solar photovoltaic systems shall comply with Sections R324.7.2.1 through R324.7.2.5. Installer shall provide structural analysis, from a design professional, of solar panels, components and their loading on existing and new roofs.

f. Adopt 2012 IRC Table 602.3 (1), Fastening Requirements.

g. Amend 2012 IRC Section R703.8, Flashing. Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:

i. exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage;

ii. at the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings;

iii. under and at the ends of masonry, wood or metal copings and sills;

iv. continuously above all projecting wood trim;

v. where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction;

vi. at wall and roof intersections;

vii. at built-in gutters.

h. Adopt 2012 IRC Section R802.11, Roof tie-down.

i. Adopt 2012 IRC Table R802.11, Rafters.

j. Amend Section R806.1, Ventilation Required.

i. Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate

space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Ventilation openings having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth, or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7. Required ventilation openings shall open directly to the outside air.

k. Amend Section R 1006.1, Exterior Air. Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion.

6. Substitute Chapter 11, Energy Efficiency of the 2009 IRC, in lieu of Chapter 11 Energy Efficiency of the 2012 IRC.

a. Amend Section N1102.3, Access Hatches and Doors. Access doors from *conditioned spaces* to unconditioned spaces shall be weather-stripped and have a minimum insulation value of an R-4.

b. Amend Section N1102.4.2, Air Sealing and Insulation. The air tightness demonstration method of compliance is to be determined by the contractor, design professional or homeowner.

c. Amend Section N1102.4.2.1, Testing Option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. When the contractor, design professional or homeowner chooses the blower door testing option, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.2.1 Testing Option are attained.

i. During testing:

(a). exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;

(b). dampers shall be closed, but not sealed; including exhaust, intake, makeup air, back draft, and flue dampers;

(c). interior doors shall be open;

(d). exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

(e). heating and cooling system(s) shall be turned off;

(f). HVAC ducts shall not be sealed; and

(g). supply and return registers shall not be sealed.

d. Amend Section N1102.4.3, Fireplaces, New wood-burning fireplaces shall have outdoor combustion air.

e. Amend Section N1103.2.2, Sealing, Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with section

M1601.4. Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum requirements of Section N1103.2.2 Sealing are attained.

i. Exception: HVAC Contractors. HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.

ii. Joints and seams shall comply with section M1601.4. Duct tightness shall be verified by either for the following:

(a). Post-Construction Test. Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

(b). Rough-In Test. Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

iii. Exception: duct tightness test is not required if the air handler and all ducts are located within conditioned space.

f. Amend Section N1103.8.3, Pool Covers. Pool covers shall not be required to meet the energy efficiency requirements of this Section.

g. Amend Section M1307.3.1, Protection from Impact. Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers

h. Amend Section M1507.3.1, System Design. The whole-house ventilation system shall consist of a combination of supply and exhaust fans, and associated ducts and controls. Local exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.

i. Amend Section M1507.3.2, System Controls. The whole-house mechanical ventilation system shall be provided with controls that enable manual override and a method of air-flow adjustment.

j. Amend Section M1507.3.3, Mechanical Ventilation Rate. The whole-house mechanical ventilation system shall be able to provide outdoor air at a continuous rate of at least that determined in accordance with Table M1507.3.3(1).

k. Amend Section M1507.4, Minimum Required Local Exhaust. Local exhaust systems shall be designed to have the capacity to exhaust the minimum air flow rate as follows.

i. Kitchen: 100 cfm intermittent or 25 cfm continuous, a balanced ventilation system is required for continuous exhaust.

ii. Bathrooms: exhaust capacity of 50 cfm intermittent or 20 cfm continuous, a balanced ventilation system is required for continuous exhaust.

7. Amend Chapter 26, General Plumbing Requirements.

a. Amend Section P 2602.1, General.

i. The water-distribution and drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply or community sewerage system, respectively, if available. When either a public water-supply or community sewerage system, or both, are not available, or connection to them is not feasible, a private water supply complying with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) or individual (private) sewage-disposal system complying with the applicable requirements of LAC 51:XIII (Sewage Disposal), or both, shall be provided.

b. Amend Section P2609.5, Water supply systems.

i. Water service pipes, water distribution pipes and the necessary connecting pipes, fittings, control valves, faucets and appurtenances used to dispense water intended for human consumption shall be evaluated and listed as conforming to the requirements of NSF 61. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

(a). Exception: The lead free requirement above shall not apply to:

(i). leaded joints necessary for the repair of existing cast iron pipes;

(ii). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(iii). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

8. Amend Chapter 29, Water Supply and Distribution.

a. Amend Section P2902.3.2, Atmospheric-type vacuum breakers.

i. Pipe-applied atmospheric-type vacuum breakers shall conform to ASSE 1001 or CSA B64.1.1. Pipe-applied atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Hose-connection vacuum breakers shall conform to ASSE 1011, ASSE 1019, ASSE 1035, ASSE 1052, CSA B64.2, CSA B64.2.1, CSA B64.2.1.1, CSA B64.2.2 or CSA B64.7. These devices shall operate under normal atmospheric pressure when the critical level is installed at the required height. Atmospheric vacuum breakers including, but not limited to,

hose bibb vacuum breakers shall not be subjected to continuous water pressure and shutoff or control valves shall not be installed downstream of these devices.

b. Amend Section P2902.3.4, Pressure vacuum breaker assemblies.

i. Pressure vacuum breaker assemblies shall conform to ASSE 1020 or CSA B64.1.2. Spill-resistant vacuum breaker assemblies shall comply with ASSE 1056. These assemblies shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Pressure vacuum breaker assemblies shall not be installed in locations where spillage could cause damage to the structure.

c. Amend Section P2902.4.3, Hose connection.

i. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected against backflow by an atmospheric-type or pressure-type vacuum breaker installed in accordance with Section 608.15.4, or by a permanently attached hose connection vacuum breaker in which the highest point of usage is less than 10 feet above the hose connection vacuum breaker. Hose bib vacuum breakers shall not be subjected to continuous water pressure.

d. Amend Section P2902.5.3, Lawn Irrigation Systems.

i. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When an irrigation/lawn sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping or highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

e. Add Section P2902.5.6, Connections to swimming pools.

i. The potable water supply to swimming pools shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

f. Add Section P2902.5.7, Connections to animal watering troughs, ornamental fountains, or other similar equipment.

i. The potable water supply to animal watering troughs, ornamental fountains, or other similar fixtures shall be protected against backflow by an air gap.

g. Amend Section P2902.6, Location of backflow preventers.

i. Access shall be provided to backflow preventers as specified by the manufacturer's installation instructions for the required testing, maintenance and repair. A minimum of 1-foot of clearance shall be provided between the lowest portion of the assembly and grade or platform.

Elevated installations exceeding 5-feet above grade (g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure zone (RPZ) type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

h. Amend Section P2902.6.2, Protection of backflow preventers.

i. Backflow preventers subjected to freezing temperatures shall be protected by heat, insulation or both; or as otherwise recommended by the manufacturer.

i. Add Section P2902.8, Inspection and testing of backflow prevention assemblies, barometric loops and air gaps.

i. Inspection and testing shall comply with Sections P2902.8.1 through P2902.8.3.

j. Add Section P2902.8.1, Inspections.

i. Annual inspections shall be made of all backflow prevention assemblies and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.

k. Add Section P2902.8.2, Testing.

i. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC & HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.

l. Add Section P2902.8.3, Owner Responsibilities.

i. The owner of the backflow prevention assemblies shall comply with the following.

(a). It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in P2902.8.2 of this code.

(b). The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.

(c). Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least 5 years and, upon specific request, shall be made available to the building official or water supplier.

(d). All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

m. Amend Section P2903.4.2, Backflow prevention device or check valve.

i. Where a backflow prevention device, check valve or other device is installed on a water supply system utilizing storage water heating equipment, a device for controlling pressure shall be installed at an accessible location between the checking device and the water heating equipment to limit thermal expansion of the water being heated to not more than 80 psi (552 kPa) static pressure at any fixture on the system. A potable water expansion tank or auxiliary relief valve set at 80 psi (552 kPa) shall be acceptable. The auxiliary relief valve shall be in addition to the water heater safety relief valve. This thermal expansion control device shall be designed and trimmed for repeated operation. The valve shall be a minimum 1/2-inch pipe size, shall be adjustable and calibrated, and shall include a tag describing its function.

n. Amend Section P2905.2, Lead content.

i. Water Piping Quality. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

(a). Exception: The lead free requirement above shall not apply to:

(i). leaded joints necessary for the repair of existing cast iron pipes;

(ii). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(iii.) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

o. Amend Table P2905.4, Water Service Pipe.

i. Table P2905.4—Water Service Pipe

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL, only. <i>i.e.</i> , Type M copper is prohibited)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Ductile iron water pipe	AWWA C151; AWWA C115

Material	Standard
Galvanized steel pipe (above ground use only)	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene (PE) plastic pipe	ASTM D 2104; ASTM D 2239; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778

p. Amend Table P2905.5, Water Distribution Pipe.

i. Table P2905.5—Water Distribution Pipe

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL, only. <i>i.e.</i> , Type M copper is prohibited)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778

q. Amend Section P2905.6, Fittings.

i. Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table P2905.6. All pipe fittings used in water supply systems shall also comply with NSF 61. For repairs all copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.

r. Amend Table P2905.6, Pipe Fittings.

i. Table P2905.6—Pipe Fittings

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D 2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D 2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6

Material	Standard
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B16.18; ASME B16.22; ASME B16.26
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B137.5
Gray iron and ductile iron	AWWA C110; AWWA C153
Malleable iron	ASME B16.3
Insert fittings for Polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10
Polyethylene (PE) plastic	CSA B137.1
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B137.2; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778
Steel	ASME B16.9; ASME B16.11; ASME B16.28

s. Add Section P2910, Separation of Water Service from Contamination.

i. Add Section P2910.1, Separation of water service and sewer lines.

(a). Underground water service pipe and the building drain or building sewer shall be horizontally separated by not less than 5 feet (1524 mm) of undisturbed or compacted earth.

(i). Exceptions:

[a]. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524 mm) of the sewer is not less than 12 inches (305 mm) above the top of the highest point of the sewer and the sewer pipe materials conformed to Table P3002.2.

[b]. Water service pipe is permitted to be located in the same trench with a building drain or building sewer, provided such sewer is constructed of materials listed in Table P3002.1(2) and the water service pipe is placed on a solid shelf excavated at one side of the common trench. The bottom of the water service pipe, at all points, shall be at least 12 inches (305mm) above the top of the sewer line at its highest point.

[c]. Any underground water service pipe which must cross a pipe that conveys sewage (e.g. building drains, building sewers, and other piping conveying sewage) shall have a minimum separation of 12 inches (305 mm) above the top of the sewer. The water service pipe is shall be sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing with pipe materials listed in Table P2905.4, P3002.1(2), or P3002.2.

t. Add Section P2910.2, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems)

i. Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

u. Add Section P2910.3, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.

i. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

v. Add Section P2910.4, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.

i. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

w. Add Section P2910.5, Reclaimed Water Lines.

i. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

x. Add Section P2910.6, Stop and Waste Valves and Devices.

i. Combination stop and waste valves and cocks shall not be installed underground in a water service pipe, water supply system, or a water distribution system. Any fixture or device which incorporates a stop and waste feature is prohibited if the waste opening is underground or in any location that waste water or water-borne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

9. Amend Chapter 30 Sanitary Drainage.

a. Add Section 3001.4 Repairs to drainage system via re-route.

i. In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be cut or otherwise disconnected from the entire drainage system. At the point of such cutting or disconnection, the entire circumference of the existing pipe which remains connected to the drainage system shall have a wall thickness of not less than 1/8-inch. The existing pipe which remains connected to the drainage system shall be sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

b. Amend Section P3005.2.2, Horizontal Drains within buildings.

i. Horizontal drains within buildings shall be provided with cleanouts as follows:

(a). All horizontal drains 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 feet (15 200mm) intervals.

(b). For horizontal drains 4-inch nominal diameter through 6-inch nominal diameter, cleanouts shall be located at not more than 80 feet (24 400mm) intervals.

(c). Horizontal drains larger than 6-inch nominal diameter shall be provided with cleanouts located at not more than 100 feet (30 480 mm) intervals.

c. Amend Section P3005.2.4, Change of direction.

i. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

(a). Exceptions: The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

(i). "P" traps connected to the drainage piping with slip joints or ground joint connections;

(ii). "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

(iii). "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

(iv). "P" traps into which residential washing machines discharge;

(v). test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor.

d. Amend Section P3005.2.7, Building drain and building sewer junction.

i. There shall be a cleanout within 6 feet (1829 mm) of the junction of the building drain and building sewer. This cleanout shall be either inside or outside the building wall, provided that it is brought up to finish grade or to the lowest floor level. An approved two-way cleanout shall be permitted to serve as the required cleanout for both the building drain and the building sewer.

e. Amend Section P3005.4.1, Branch and stack sizing.

i. Branches and stacks shall be sized in accordance with Table P3005.4.1. Below grade drain pipes shall be not less than 1 1/2 inches (38 mm) in diameter. Drain stacks shall be not smaller than the largest horizontal branch connected.

(a). Exceptions:

(i). a 4-inch by 3-inch (102 mm by 76 mm) closet bend or flange;

(ii). a 4-inch (102 mm) closet bend connected to a 3-inch (76 mm) stack tee shall not be prohibited.

f. Amend Table P3005.4.1, Maximum fixture units allowed to be connected to branches and stacks.

i. Table P3005.4.1—Maximum Fixture Units Allowed to be Connected to Branches and Stacks

Nominal Pipe Size (inches)	Any Horizontal Fixture Branch	Any One Vertical Stack or Drain
1 1/4 ^a	—	—
1 1/2 ^b	3	4
2b	6	10
2 1/2 ^b	12	20
3	20 (not over two water closets)	30 (not over six water closets)
4	160	240

For SI: 1 inch = 25.4 mm.

^a 1 1/4-inch pipe size limited to a single-fixture drain or trap arm. See Table P3201.7.

^b No water closets.

g. Amend Section P3005.4.2, Building drain and sewer size and slope.

i. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1.

h. Amend Table P3005.4.2, Maximum number of fixture units allowed to be connected to the building drain, building drain branches or the building sewer.

i. Table P3005.4.2—Maximum Number of Fixture Units Allowed to be connected to the Building Drain, Building Drain Branches or The Building Sewer.

Diameter of Pipe (inches)	Slope Per Foot		
	1/8 inch	1/4 inch	1/2 inch
1 1/2a, b	—	Note a	Note a
2b	—	21	27
2 1/2b	—	24	31
3	20 (not over two water closets)	27 (not over two water closets)	36(not over two water closets)
4	180	216	250

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

^a 1 1/2-inch pipe size limited to a building drain branch serving not more than two waste fixtures, or not more than one waste fixture if serving a pumped discharge fixture or garbage grinder discharge.

^b No water closets.

i. Add Section P3005.6, Minimum size of soil and waste stacks.

i. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

j. Add Section P3005.7, Minimum size of drain serving a water closet.

i. The minimum size of any building drain serving a water closet shall be 3 inches. Not more than two water closets shall discharge into a horizontal 3-inch building drain.

k. Add Section P3005.8, Minimum size of building sewer.

i. In accordance with P3001.4, no building sewer shall be less than 4 inches in size with the exception of force lines.

l. Add Section P3005.9, Underground drainage piping.

i. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter.

m. Amend Section P3009.1, Scope.

i. Gray water recycling systems shall only be considered on an individual basis and plans and specifications for any proposed gray water recycling system shall be submitted to the code official or local jurisdiction for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer. Potable makeup water supply lines shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. The provisions of Section P3009 shall govern the materials, design, construction and installation of gray water systems for flushing of water closets and urinals and for subsurface landscape irrigation. See Figures P3009.1(1) and P3009.1(2).

n. Amend Section P3009.14, Landscape irrigation systems.

i. In accordance with provisions of the *Louisiana State Sanitary Code* [LAC 51:XIII (Sewage Disposal)], a permit shall be obtained from the state health officer prior to the construction of any subsurface landscape irrigation system which utilizes gray water. Subsurface landscape irrigation systems shall comply with Sections P3009.14.1 through P3009.14.11; however, the regulations of the *Louisiana State Sanitary Code* shall supersede any provisions of P3009.14.1 through P3009.14.11 when a conflict exists or a provision is less stringent than those contained in the *Louisiana State Sanitary Code*.

o. Amend Section P3010.1, Air break.

i. An air break shall be provided between the indirect waste pipe and the trap seal of the waste receptor or standpipe. The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51 mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

p. Amend Section P3104.1, Connection.

i. All individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.

q. Amend Section P3201.5, Prohibited trap designs.

i. The following types of traps are prohibited:

(a) bell traps;

(b) separate fixture traps that depend on interior partitions for the water seal, except those lavatory traps made of plastic, stainless steel or other corrosion-resistant material;

(c) "S" traps;

(d) drum traps;

(e) trap designs with moving parts;

(f) crown-vented traps;

- (g). running traps;
- (i). exceptions:

[a]. a running trap with cleanout may be allowed on condensate waste lines and for certain floor level fixtures installed on a combination waste and vent system.

r. Delete Section P3114, Air Admittance Valves in its entirety and all referencing sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2383 (November 2015), amended LR 42: 05 (May 2016); repromulgated LR 42:

§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2012 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption. (per R.S. 40:1730.28 eff. 1/1/16)

1. Amend Chapter One.

a. Amend Section [A] 101.2, Scope.

i. Section [A] 101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

(a). Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health and Hospitals from the following:

(i). Regulating stored water temperatures through enforcement of the *Sanitary Code*.

(ii). Regulating medical gas and medical vacuum systems.

[a]. Exception:

[i]. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

B. Amend Chapter Two Definitions.

Adult Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and

older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.

Air Break (Drainage System)—a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, or receptacle at a point below the flood level rim and above the trap seal. An unobstructed horizontal distance of free atmosphere between the outside of the indirect waste pipe and the inside of the waster receptor must exist so as to allow a back-flow of sewage to spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

Barometric Loop—a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.

Building Drain—that part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes in side and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer.

NOTE: Delete definition Combined—a building drain that conveys both sewage and storm water or other drainage.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

Building Sewer—that part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal.

NOTE: Delete definition Combined—a building sewer that conveys both sewage and storm water or other drainage.

a. *Sanitary*—a *building drain* that conveys sewage only.

b. *Storm*—a *building drain* that conveys storm water or other drainage, but not sewage.

By-Pass—any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer.

Child Day Care Center—any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center.

NOTE: Delete definition Combined Building Drain—"See building drain, combined"

NOTE: Delete definition Combined Building Sewer—"See Building sewer, combined"

Commercial Treatment Facility—any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.

Community Sewerage System—any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.

Containment—a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.

Continuous Water Pressure—a condition when a backflow preventer is continuously subjected to the spill over the flood level rim of the receiving sink or other receptor to prevent such back-flow from reaching the fixture, device, appliance or apparatus served by the indirect waste pipe.

NOTE: Delete definition Lead Free Pipe and Fittings—Containing not more than 8.0 percent lead

NOTE: Delete definition Lead Free Solder and Flux—Containing not more than 0.2 percent lead

Day Care Centers—includes adult and child day care centers.

Degree of Hazard—an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.

Domestic Well—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.

Dual Check Valve—a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter. Not an approved backflow prevention device.

Fixture Isolation—a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.

Human Consumption—the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.

Indirect Waste Pipe—a waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an *air break* or *air gap* into a trap, fixture, or *waste receptor*.

NOTE: Delete definition Individual water supply--A water supply that serves one or more families, and that is not an approved public water supply.

Individual Sewerage System—any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII.Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.

Infant—any child under the age of 12 months.

Lead Free—

- a. in general:

- i. not containing more than 0.2 percent lead when used with respect to solder and flux; and

- ii. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;

- b. calculation:

- i. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:

- (a). for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

NOTE: Delete definition Lead Free Pipe and Fittings--

Containing not more than 8.0 percent lead

NOTE: Delete definition Lead Free Solder and Flux --

Containing not more than 0.2 percent lead

Master Meter—a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered.

Plumbing—the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems. Plumbing includes yard piping connecting sanitary or storm drainage with any point of disposal or other acceptable terminal as well as the water service piping connecting to a water main or other source of water supply. Plumbing does not include the installation, alteration, repair or maintenance of automatic fire sprinklers and including the underground or overhead water supply beginning at the outlet of an approved backflow prevention device installed under the plumbing provisions of this code where water is to be used or is intended to be used exclusively for fire protection purposes.

Potable Water—water free from impurities present in amount sufficient to cause disease or harmful physiological effects and conforming to the bacteriological, physical, radiological, and chemical quality requirements of the federal Safe Drinking Water Act or the regulations of the Department of Health and Hospitals, Office of Public Health.

Potable Water Supply—a publicly owned or privately owned water supply system which purveys potable water.

Preschool—any child less than five years of age.

Private Water Supply—a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.

Public or Public Utilization—in the classification of plumbing fixtures, “public” applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, hotel/motel

rooms, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants, patient rooms and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted.

NOTE: Delete definition *Public Water Main*—A water supply pipe for public use controlled by public authority.

Public Water Supply—public water system.

Public Water System—a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an average of at least 25 individuals daily at least 60 days out of the year.

Putrescible Waste—waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses.

Residential Facility—any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.

Sanitary Sewage—see “sewage.”

Sewer—a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes.

a. *Building Sewer*—see “building sewer.”

b. *Public Sewer*—a common sewer directly controlled by a public authority or utilized by the public

c. *Sanitary Sewer*—a sewer that carries sewage and excludes storm, surface and ground water.

d. *Storm Sewer*—a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.

Sewerage System—any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.

Waste Receptor—a *plumbing fixture* designed specifically to collect and dispose of liquid waste received from an indirect waste pipe which is connected to other *plumbing fixtures*, plumbing equipment or appliances which are required to discharge to the drainage system through either an air gap (drainage system) or air break (drainage system). The following type fixtures fall within the classification of indirect waste receptors: floor sinks, curbed cleaning facilities with floor drain, and standpipe drains with integral air gaps (drainage system) or air breaks (drainage system), and may include others when approved as such by the code official.

Water Main—a water supply pipe or system of pipes installed and maintained by a city, township, county, Public Utility Company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not

limited to, those public water systems which are not owned by the public and which may not be on public property.

Water Supplier—a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.

Water Supply System—the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.

NOTE: Delete definition *Well*—

Bored—a well constructed by boring a hole in the ground with an auger and installing a casing.

Drilled—a well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

Driven—a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

Dug—a well constructed by excavating a large-diameter shaft and installing a casing.

C. Amend Chapter 3, General Regulations.

1. Add Section 303.5, Water Piping Quality.

a. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

i. Exception: The lead free requirement above shall not apply to:

(a) leaded joints necessary for the repair of existing cast iron pipes;

(b) fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(c) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

2. Amend Section [B] 309.2, Flood hazard.

a. For structures located in flood hazard areas, the following systems and equipment shall be located and installed as required by Section 1612 of the *International Building Code*.

NOTE: Where a private water supply is used it must meet the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.

i. Exception:

(a) The following systems are permitted to be located below the elevation required by Section 1612 of the *International Building Code* for utilities and attendant equipment provided that the systems are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to up to such elevation;

(i) all water service pipes;

- (ii). all sanitary drainage piping;
- (iii). storm drainage piping;
- (iv). manhole covers shall be sealed, except where elevated to or above the design flood elevation;
- (v). all other plumbing fixtures, faucets, fixture fittings, piping systems and equipment;
- (vi). water heaters;
- (vii). vents and vent systems.

3. Amend Section 312.1, Required Tests.

a. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.

4. Amend Section 312.3, Drainage and vent test.

a. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

5. Amend Section 312.5, Water supply system test.

a. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

6. Amend Section 312.10, Installation, inspection and testing of backflow prevention assemblies, barometric loops and air gaps.

a. Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.

7. Amend Section 312.10.1, Inspections.

a. Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.

8. Amend Section 312.10.2, Testing.

a. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire

protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC and HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.

9. Add Section 312.10.3, Owner Responsibilities.

a. The owner of the backflow prevention assemblies shall comply with the following.

i. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.

ii. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.

iii. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least 5 years and, upon specific request, shall be made available to the building official or water supplier.

iv. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.

10. Add Section 314.3, Plenum.

a. No floor drain or other plumbing fixture except electric water heaters shall be installed in a room containing air handling machinery when such room is used as a plenum. When rooms are used as a plenum, equipment drains shall be conveyed through an indirect waste receptor located outside such rooms or other approved point of disposal.

11. Amend Section 316.1.2, Submittal.

a. The registered design professional engineer shall indicate on the permit application that the plumbing system is an alternative engineered design. The permit and permanent permit records shall indicate that an alternative engineered design was part of the approved installation.

D. Amend Chapter 4.

1. Amend Section 403.3.3, Location of toilet facilities in occupancies other than malls and educational buildings.

a. In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

2. Add Section 403.3.7, Location of toilet facilities in educational buildings.

a. For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions

with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this Code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:

i. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;

ii. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and

iii. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).

3. Add Section 403.6, Other fixture requirements for licensed pre-schools, day care centers, and residential facilities.

a. Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.

4. Add Section 403.6.1, Food preparation.

a. The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).

5. Add Section 403.6.2, Caring for children between 0 and 4 years of age.

a. In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the

children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.

6. Add Section 410.5, Minimum Required Separation from Contamination.

a. Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].

i. Exception:

(a). This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.

(b). Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells.”

7. Amend Section 412, Floor and Trench Drains.

a. Add Section 412.5, Miscellaneous areas.

i. A floor drain shall be required in public toilet rooms, excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.

ii. A floor drain shall be required in the recess room for sterilizers in a medical facility.

iii. Floor drains are not permitted in general food storage areas, for example, a food storage closet or room.

8. Amend Section 417.3, Shower water outlet.

a. Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

9. Add Section 418.4, Handwash Sinks.

a. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.

b. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.

c. A hand washing sink may not be used for purposes other than hand washing.

d. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.

10. Add Section 418.5, Manual Warewashing, Sink Requirements.

a. A sink with at least three compartments constructed of smooth, impervious non-corrosive material

such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.

11. Add Section 422.11, Handwashing Facilities.

a. Medical facilities, including doctor's office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.

12. Amend Section 425.2, Flushometer valves and tanks.

a. Flushometer valves and tanks shall comply with ASSE 1037 or CSA B125.3. Vacuum breakers on flushometer valves shall conform to the performance requirements of ASSE 1001 or CSA B64. 1.1. Flushometer valves shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least 4 inches (102 mm) above the overflow rim of the bowl. Access shall be provided to vacuum breakers. Flushometer valves shall be of the water conservation type and shall not be used where the water pressure is lower than the minimum required for normal operation. When operated, the valve shall automatically complete the cycle of operation, opening fully and closing positively under the water supply pressure. Each flushometer valve shall be provided with a means for regulating the flow through the valve. The trap seal to the fixture shall be automatically refilled after each flushing cycle.

E. Amend Chapter 5, Water Heaters.

1. Amend Section 503.1, Cold water line valve.

a. The cold water branch line from the main water supply line to each hot water storage tank or water heater shall be provided with a full port ball valve, located near the equipment and serving only the hot water storage tank or water heater. The valve shall not interfere or cause a disruption of the cold water supply to the remainder of the cold water system. The valve shall be provided with access on the same floor level as the water heater served.

2. Amend Section 504.7, Required pan.

a. Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a galvanized steel pan having a material thickness of not less than 0.0276-inch (0.7 mm), or other pans approved for such use.

i. Exception:

(a). Electric water heaters may rest in a high impact plastic pan of at least 1/16-inch (1.6 mm) thickness.

3. Amend Section 504.7.1, Pan size and drain.

a. The drain pan shall be a minimum of 2-inches (2") (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

F. Amend Chapter 6, Water Supply and Distribution.

1. Amend Section 602.3, Individual water supply.

a. Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.

i. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1, Pump Enclosure.

2. Amend Section 603.2, Separation of water service and sewer lines.

a. Underground water service pipe and the building drain or building sewer shall be horizontally separated by not less than 5-feet (1524 mm) of undisturbed or compacted earth.

i. Exceptions:

(a). The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524 mm) of the sewer is not less than 12 inches (305 mm) above the top of the highest point of the sewer and the sewer pipe materials conform to Table 702.3.

(b). Water service pipe is permitted to be located in the same trench with a building drain or building sewer, provided such sewer is constructed of materials listed in Table 702.2 and the water service pipe is placed on a solid shelf excavated at one side of the common trench. The bottom of the water service pipe, at all points, shall be at least 12 inches (305 mm) above the top of the sewer line at its highest point.

(c). Any underground water service pipe which must cross a pipe that conveys sewage (e.g., building drains, building sewers, and other piping conveying sewage) shall have a minimum vertical separation of 12 inches (305 mm) above the top of the sewer. The water service pipe shall be sleeved to a point not less than 5 feet (1524 mm) horizontally from the sewer pipe centerline on both sides of such crossing with pipe materials listed in Table 605.3, 702.2 or 702.3.

3. Add Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).

a. Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

4. Add Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.

a. Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.

5. Add Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.

a. Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

6. Add 603.6, Reclaimed Water Lines.

a. Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.

7. Add Section 603.7, Stop and Waste Valves and Devices.

a. Combination stop and waste valves and cocks shall not be installed underground in a water service pipe, water supply system, or a water distribution system. Any fixture or device which incorporates a stop and waste feature is prohibited if the waste opening is underground or in any location that waste water or water-borne contaminants may enter the device or water supply from the ground or other source by reversal of flow.

8. Amend Table 604.5, Minimum Sizes of Fixture Water Supply Lines.

a. Table 604.5—Minimum Sizes of Fixture Water Supply Pipes

Fixture	Minimum Pipe Size (inch)
Bathtubs ^a (60x 32 and smaller)	1/2
Bathtubs ^a (larger than 60" x 32)	1/2
Bidet	3/8
Combination sink and tray	1/2
Dishwasher, domestic ^a	1/2
Drinking fountain	1/2
Hose bibbs	1/2
Kitchen sink ^a	1/2
Kitchen sink , Commercial	3/4
Lavatory	1/2
Shower, single head ^a	1/2
Sinks, flushing rim	3/4
Sinks, service	1/2
Urinal, flush tank	1/2
Urinal, flushometer valve	3/4
Wall hydrant	1/2
Water closet, flush tank	3/8
Water closet, flushometer valve	1
Water closet, flushometer tank	1/2
Water closet, one piece ^a	1/2

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 kPa.

^a Where the developed length of the distribution line is 60 feet or less, and the available pressure at the meter is 35 psi or greater, the minimum size of an individual distribution line supplied from a manifold and installed as part of a parallel water distribution system shall be one nominal tube size smaller than the sizes indicated.

9. Amend Section 605.2, Lead content of water supply pipe and fittings.

a. Water Piping Quality. All potable water pipes, fittings, valves, and fixtures shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.

i. Exception: The lead free requirement above shall not apply to:

(a). leaded joints necessary for the repair of existing cast iron pipes;

(b). fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

(c). toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.604.

10. Amend Section 605.3, Water service pipe with corresponding Table 605.3.

a. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4°F (23°C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

i. Table 605.3—Water Service Pipe

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3

Material	Standard
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

11. Amend Section 605.3.1, Dual check-valve-type backflow preventer.

a. Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.

12. Amend Table 605.4, Water Distribution Pipe.

a. Table 605.4—Water Distribution Pipe

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. <i>i.e.</i> , Type M copper is prohibited, M or WM)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

13. Amend Section 605.5, Fittings.

a. Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table 605.5. Pipe fittings utilized in water supply systems shall also comply with NSF 61. Ductile and gray iron pipe fittings shall be cement mortar lined in accordance with AWWA C104. For repairs all copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.

14. Amend Table 605.5, Pipe Fittings.

a. Table 605.5—Pipe Fittings

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D 2468
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D 2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B16.18; ASME B16.22;
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061, ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098, ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B137.5
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F 2098; ASTM F 2159; ASTM F 2735
Gray iron and ductile iron	AWWA C110/A21.10; AWWA C153/A21.53
Insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10M
Malleable iron	ASME B16.3
Metal (brass) insert fittings for polyethylene/aluminum/polyethylene (PE-AL-PE) and cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX)	ASTM F 1974
Polyethylene (PE) plastic pipe	ASTM D 2683; ASTM D 3261; ASTM F 1055; CSA B137.1
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B137.2; CSA B137.3
Stainless steel (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L)	ASTM A 312; ASTM A 778
Steel	ASME B16.9; ASME B16.11; ASME B16.28

15. Amend Section 606.1, Location of full-open valves.

a. Full-open valves shall be installed in the following locations:

- i. on the building water service pipe from the public water supply near the curb;
- ii. on the water distribution supply pipe at the entrance into the structure;

- iii. on the discharge side of every water meter;
- iv. on the base of every water riser pipe in occupancies other than multiple-family residential occupancies that are two stories or less in height and in one- and two-family residential occupancies;
- v. on the top of every water down-feed pipe in occupancies other than one- and two-family residential occupancies;
- vi. on the entrance to every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops;
- vii. on the water supply pipe to a gravity or pressurized water tank;
- viii. on the water supply pipe to every water heater;
- ix. on each water supply branch line 1 1/2 inches or larger so as to isolate all fixtures and all pieces of equipment supplied by the branch line. The shutoff valve shall be installed in a labeled and accessible location as close to the connection to the supply main and/or riser as practical.

b. When such shutoff valve is located in the service pipe outside the building, it shall be located and accessible in a manufactured, approved, valve box with a readily removable access cover which extends to grade (G) level. When drain valves are provided for the distribution piping or other portions of the water distribution system, such drains shall be above grade (G) or otherwise located to prevent the possibility of backflow into the piping system after the system has been drained.

16. Amend Section 606.2, Location of shutoff valves.

a. Shutoff valves shall be installed in the following locations:

- i. on the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two-family residential occupancies. Such valves shall permit each fixture to be shutoff without interfering with the water supply to any other fixtures. In all buildings other than one- and two-family residential occupancies, shutoff valves shall be installed which permit the water supply to all fixtures and equipment in each separate room to be shut off without interference with the water supply to any other room or portion of the building or each individual fixture and piece of equipment shall have a shutoff valve which will permit each fixture and piece of equipment to be shut off without interfering with the water supply to other fixtures or equipment;
- ii. on the water supply pipe to each sillcock;
- iii. on the water supply pipe to each appliance or mechanical equipment.

17. Amend Section 606.5.5, Low-pressure cutoff required on booster pumps.

a. A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.

18. Amend Section 607.3.2, Backflow prevention device or check valve.

a. Where a backflow prevention device, check valve or other device is installed on a water supply system utilizing storage water heating equipment, a device for controlling pressure shall be installed at an accessible location between the checking device and the water heating equipment to limit thermal expansion of the water being

heated to not more than 80 psi (552 kPa) static pressure at any fixture on the system. A potable water expansion tank or auxiliary relief valve set at 80 psi (552 kPa) shall be acceptable. The auxiliary relief valve shall be in addition to the water heater safety relief valve. This thermal expansion control device shall be designed and trimmed for repeated operation. The valve shall be a minimum 1/2-inch pipe size, shall be adjustable and calibrated, and shall include a tag describing its function.

19. Amend Section 608.1, General.

a. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable Standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.

20. Amend Section 608.4, Water service piping/Containment to protect potable water supplies.

a. Water service piping shall be protected in accordance with Sections 603.2. Containment to protect potable water supplies shall be achieved in accordance with 608.18 through 608.18.2.

21. Amend Section 608.6, Cross-connection control.

a. Cross connections shall be prohibited, except where approved backflow prevention devices, assemblies, or methods are installed to protect the potable water supply. A dual check valve type backflow preventer (i.e., device meeting ASSE 1024 or CSA B64.6 with two spring loaded, independently operating check valves without tightly closing shut-off valves or test cocks which is commonly installed immediately downstream of water meters by water suppliers) is not an approved backflow prevention device when a known cross connection exists downstream of the device. These devices are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods.

22. Amend Section 608.8, Identification of nonpotable water.

a. Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking or metal tags in accordance with Sections 608.8.1 through 608.8.3. All nonpotable water outlets such as hose connections, open ended pipes, and faucets shall be identified at the point of use for each outlet with the words, "Nonpotable—not safe for drinking." The words shall be indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inches (12.7 mm) in height and in colors in contrast to the background on which they are applied.

i. Exception:

(a). Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities

have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.

23. Amend Section 608.14, Location of backflow preventers.

a. Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1-foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade(g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.

24. Amend Section 608.14.2, Protection of backflow preventers.

a. Backflow preventers subjected to freezing temperatures shall protected from freezing by heat, insulation or both; or as otherwise recommended by the manufacturer.

25. Amend Section 608.15.4, Protection by a vacuum breaker.

a. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served- Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.

26. Amend Section 608.15.4.2, Hose connections.

a. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected against backflow by an atmospheric-type or pressure-type vacuum breaker installed in accordance with Section 608.15.4, or by a permanently attached hose connection vacuum breaker in which the highest point of usage is less than 10 feet above the hose connection vacuum breaker. Hose bib vacuum breakers shall not be subjected to continuous water pressure.

27. Amend Section 608.16, Connections to the potable water system.

a. Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.

28. Amend Section 608.16.5, Connections to lawn irrigation systems.

a. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When an irrigation/lawn sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping or highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.

29. Amend Section 608.16.8, Portable Cleaning Equipment.

a. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.

30. Add Section 608.16.11, Cooling towers.

a. The potable water supply to cooling towers shall be protected against backflow by an air gap.

31. Add Section 608.16.12, Chemical tanks.

a. The potable water supply to chemical tanks shall be protected against backflow by an air gap.

32. Add Section 608.16.13, Commercial Dishwashers in commercial establishments.

a. The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.

33. Add Section 608.16.14, Ornamental Fountains.

a. The potable water supply to ornamental fountains shall be protected against backflow by an air gap.

34. Add Section 608.16.15, Swimming pools, spas, hot tubs.

a. The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

35. Add Section 608.16.16, Baptismal fonts.

a. The potable water supply to baptismal fonts shall be protected against backflow by an air gap.

36. Add Section 608.16.17, Animal watering troughs.

a. The potable water supply to animal watering troughs shall be protected against backflow by an air gap.

37. Add Section 608.16.18, Agricultural chemical mixing tanks.

a. The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.

38. Add Section 608.16.19, Water hauling trucks.

a. The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.

39. Add Section 608.16.20, Air conditioning chilled water systems and/or condenser water systems.

a. The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

40. Add Section 608.16.21, Pot-type chemical feeders.

a. The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

41. Add Section 608.16.22, Food processing steam kettles.

a. The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.

42. Add Section 608.16.23, Individual travel trailer pads.

a. The potable water supply to individual travel trailer pads shall be protected against backflow by a double check valve backflow prevention assembly.

43. Add Section 608.16.24, Laboratory and/or medical aspirators.

a. The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

44. Add Section 608.16.25, Laboratory or other sinks with threaded or serrated nozzles.

a. The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.

45. Add Section 608.16.26, Mortuary/embalming aspirators.

a. The potable water supply to mortuary/embalming aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.

46. Add Section 608.16.27, Room(s) or other sub-unit(s) of a premise or facility receiving water where access is prohibited.

a. When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.

47. Amend Section 608.17, Protection of individual water supplies.

a. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (WaterWells).

48. Remove and delete Sections 608.17.1 thru 608.17.8 including Table 608.17.1.

49. Add Section 608.18.18, Containment practices.

a. Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.18.1 through 608.18.2.

50. Add Section 608.18.1, Containment requirements.

a. As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.

51. Add Table 608.18.1, Containment Requirements.

a. Table 608.18.1—Containment Requirements

Air Gap
1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water
Reduced Pressure Principle Backflow Prevention Assembly
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics
2. Funeral Homes, Mortuaries
3. Car Wash Systems
4. Sewage Facilities
5. Chemical or Petroleum Processing Plants
6. Animal/Poultry Feedlots or Brooding Facilities
7. Meat Processing Plants
8. Metal Plating Plants
9. Food Processing Plants, Beverage Processing Plants
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is recommended on unmetered fire lines)

11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection
12. Marinas/Docks
13. Radiator Shops
14. Commercial Pesticide/Herbicide Application
15. Photo/X-ray/Film Processing Laboratories
16. Multiple Commercial Units served by a master meter
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge
19. Premises where access/entry is prohibited
Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly
1. Irrigation/Lawn Sprinkler Systems
Double Check Valve Assembly
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is recommended on unmetered fire lines)
2. Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term "commercial purposes" means any use other than residential.
3. Three or more residential dwelling units served by a master meter
4. Multistoried Office/Commercial Buildings (over 3 floors)
5. Jails, Prisons, and Other Places of Detention or Incarceration

52. Add Section 608.18.2, Other containment requirements.

a. Table 608.18.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.18.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:

- i. as directed by the building code official; or
- ii. as directed by the water supplier.

iii. In cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.

G. Amend Chapter 7, Sanitary Drainage.

1. Amend Section 701.2, Sewer required.

a. Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII (Sewage Disposal).

2. Amend Section 701.3, Separate Sewer Connection.

a. A building having plumbing fixtures installed and intended for human habitation, occupancy or use on premises abutting on a street, alley or easement in which there is community sewerage system shall have a separate connection with the sanitary sewer. Where located on the same lot, multiple buildings shall not be prohibited from connecting to a common sanitary building sewer that connects to the community sewerage system.

3. Amend Section 701.8, Engineered systems.

a. Engineered sanitary drainage systems shall conform to the provisions of Section 316 and 714. Single stack plumbing systems may be considered for approval by the code official for use on the upper floors of hotel and motel guest rooms but shall not be approved for condominium or apartment complexes.

4. Amend Section 701.9, Drainage piping in food service areas.

a. Exposed soil or waste piping, including vacuum drainage systems, shall not be installed above any food preparation areas, food or utensil storage areas or eating surfaces in food service establishments unless they are adequately shielded to intercept potential drips.

5. Add Section 701.10, Repairs to drainage system via re-route.

a. In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be cut or otherwise disconnected from the entire drainage system. At the point of such cutting or disconnection, the entire circumference of the existing pipe which remains connected to the drainage system shall have a wall thickness of not less than 1/8-inch. The existing pipe which remains connected to the drainage system shall be sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

6. Amend Section 702.5, Chemical waste system.

a. A chemical waste system shall be completely separated from the sanitary drainage system. The chemical waste shall be treated in accordance with Section 803.2 before discharging to the sanitary drainage system. Separate drainage systems for chemical wastes and vent pipes shall be constructed of one of the materials listed in Table 702.5 or other materials approved by the plumbing official. The material selected shall be resistant to corrosion and degradation for the concentrations of chemicals involved. Joints shall be made in conformance with the manufacturer's recommendations.

i. Table 702.5—Chemical Waste System

Material	Standard
High silicon cast iron	ASTM A 518/A 518M
Borosilicate glass	ASTM C 1053
Chlorinated poly [vinyl chloride] (CPVC)	ASTM F 2618
Polyolefin	ASTM F 1412
Polyvinylidene fluoride (PVDF)	ASTM F 1673

7. Add Section 703.6, Minimum Size Building Sewer.

a. No building sewer shall be less than 4 inches in size with the exception of force lines.

8. Delete Section 706.4, Heel- or side-inlet quarter bends.

9. Amend Section 708.3, Where Required.

a. Cleanouts shall be located in accordance with Sections 708.3.1 through 708.3.6.

10. Amend Section 708.3.1, Horizontal drains within buildings.

a. All horizontal drains shall be provided with cleanouts located not more than 100 feet (30 480 mm) apart. Horizontal drains within buildings shall be provided with cleanouts as follows:

i. All horizontal drains 3-inch nominal diameter or less, cleanouts shall be located at not more than 50 feet (15 200mm) intervals.

ii. For horizontal drains 4-inch nominal diameter through 6-inch nominal diameter, cleanouts shall be located at not more than 80 feet (24 400mm) intervals.

iii. Horizontal drains larger than 6-inch nominal diameter shall be provided with cleanouts located at not more than 100 feet (30 480 mm) intervals.

11. Amend Section 708.3.2, Building sewers.

a. Building sewers 4-inch nominal diameter through 6-inch nominal diameter shall be provided with cleanouts located not more than 80 feet (24 400mm) apart measured from the upstream entrance of the cleanout. For building sewers 8 inches (203 mm) and larger, manholes shall be provided and located not more than 200 feet (60 960 mm) from the junction of the building drain and building sewer, at each change in direction and at intervals of not more than 400 feet (122 m) apart. Manholes and manhole covers shall be of an approved type.

12. Amend Section 708.3.3, Changes of direction.

a. Each horizontal drainage pipe shall be provided with a cleanout at the upstream end of the pipe and in changes of direction over 45° (0.785 rad).

i. Exceptions:

(a). The following plumbing arrangements are acceptable in lieu of the upstream cleanout:

(i). "P" traps connected to the drainage piping with slip joints or ground joint connections;

(ii). "P" traps into which floor drains, shower drains or tub drains with removable strainers discharge;

(iii). "P" traps into which the straight through type waste and overflow discharge with the overflow connecting to the branch of the tee;

(iv). "P" traps into which residential washing machines discharge;

(v). test tees or cleanouts in a vertical pipe above the flood-level rim of the fixtures that the horizontal pipe serves and not more than 4-feet (1219 mm) above the finish floor.

13. Amend Section 708.3.5, Building drain and building sewer junction.

a. There shall be a cleanout within 6 feet (1829 mm) of the junction of the building drain and the building sewer. The cleanout shall be either inside or outside the building wall and shall be brought up to the finished ground level or to the basement floor level. An approved two-way cleanout is allowed to be used at this location to serve as a required cleanout for both the building drain and building sewer. The minimum size of the cleanout at the junction of the building drain and building sewer shall comply with Section 708.7.

14. Amend Section 710.1, Maximum fixture unit load.

a. The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).

15. Amend Table 710.1(1).

a. Table 710.1(1)—Building Drains And Sewers

Diameter Of Pipe (Inches)	Maximum Number Of Drainage Fixture Units Connected To Any Portion Of The Building Drain Or The Building Sewer, Including Branches Of The Building Drain ^a			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

^a The minimum size of any building drain serving a water closet shall be 3 inches.

16. Amend Table 710.1(2).

a. Table 710.1(2)—Horizontal Fixture Branches and Soil Stacks^a

Diameter of Pipe (inches) (The minimum size of any branch or soil stack serving a water closet shall be 3").	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Soil Stacks ^b		
		Total discharge into one branch interval when greater than three branch intervals	Total for soil stack when three branch intervals or less	Total for soil stack when greater than three branch intervals
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42

Diameter of Pipe (inches) (The minimum size of any branch or soil stack serving a water closet shall be 3".)	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Soil Stacks ^b		
		Total discharge into one branch interval when greater than three branch intervals	Total for soil stack when three branch intervals or less	Total for soil stack when greater than three branch intervals
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note ^c	Note ^c	Note ^c

For SI: 1 inch = 25.4 mm.

^a Does not include branches of the building drain. Refer to Table 710.1(1).

^b Soil stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required.

^c Sizing load based on design criteria.

17. Add Section 710.1.3, Minimum size of soil and waste stacks.

a. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 water closet connection shall not be considered as a reduction in pipe size. The soil or waste stack shall run undiminished in size from its connection to the building drain to its connection to the stack vent.

18. Add Section 710.1.4, Minimum size of drain serving a water closet.

a. The minimum size of any building drain serving a water closet shall be 3 inches. Not more than two water closets shall discharge into a 3-inch horizontal building drain. Not more than six water closets shall discharge into a 3-inch vertical building drain.

19. Add Section 710.3, Underground Drainage Piping.

a. Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.

20. Amend Section 713.9, Local vents and stacks for bedpan washers.

a. Bedpan washers shall be vented to open air above the roof by means of one or more local vents. The vent terminal and location of the local vent shall be the same as required for sanitary sewer vents. The local vent for a bedpan washer shall not be less than a 2-inch-diameter (51 mm) pipe. A local vent serving a single bedpan washer is permitted to drain to the fixture served.

H. Chapter 8 Indirect/Special Waste.

1. Amend Section 802.1.1, Food handling.

a. Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes but is not limited to the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.

2. Amend Section 802.2, Installation.

a. Indirect waste piping shall discharge through an air gap or air break into a waste receptor. Waste receptors and standpipes shall be trapped and vented and shall connect to the building drainage system. All indirect waste piping that exceeds 30 inches (762 mm) in developed length measured horizontally, or 54 inches (1372 mm) in total developed length, shall be trapped. The maximum length of indirect waste piping to the waste receptor shall not exceed 15 feet (4527 mm). Should an indirect waste pipe exceed 15 feet in length, a local vent shall be provided at a maximum of every 15 feet (4527 mm) in length. Indirect waste piping shall be installed as to permit ready access for flushing and cleaning.

3. Amend Section 802.2.2, Air break.

a. An air break shall be provided between the indirect waste pipe and the trap seal of the waste receptor or standpipe. The air break (drainage system) between the indirect waste and the building drainage system shall be installed such that the level of the lowest outlet located on the fixture, device, appliance or apparatus (to which the indirect waste pipe connects) is above the flood-level rim of the receiving sink or other receptor by a vertical distance of at least twice the diameter of the effective opening of the indirect waste pipe, but in no case less than 2 inches (51

mm). In addition, the indirect waste pipe shall terminate below the flood-level rim of the receiving sink or other receptor a distance equal to not more than one-half (1/2) the diameter of the effective opening of the indirect waste pipe.

I. Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2012 IPC.

J. Amend Chapter 10: Traps, Interceptors and Separators.

1. Amend Section 1002.1, Fixture Traps.

a. Each plumbing fixture shall be separately trapped by a liquid-seal trap, except as otherwise permitted by this code. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches (610 mm), and the horizontal distance shall not exceed 30 inches (610 mm) measured from the centerline of the fixture outlet to the centerline of the inlet of the trap. The height of a clothes washer standpipe above a trap shall conform to Section 802.4. A fixture shall not be double trapped.

i. Exceptions:

(a). This section shall not apply to fixtures with integral traps.

(b). A combination plumbing fixture is permitted to be installed on one trap, provided that one compartment is not more than 6 inches (152 mm) deeper than the other compartment and the waste outlets are not more than 30 inches (762 mm) apart.

(c). A grease interceptor intended to serve as a fixture trap in accordance with the manufacturer's installation instructions shall be permitted to serve as the trap for a single fixture or a combination sink of not more than three compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches (762 mm) and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches (1524 mm).

(d). One trap may be installed for a set of not more than three single-compartment sinks or laundry trays or three lavatories immediately adjacent to each other in the same room, if the waste outlets are not more than 30 inches (762 mm) apart and the trap is centrally located when three compartments are installed.

2. Amend Section 1002, Prohibited traps.

a. The following types of traps are prohibited:

i. traps that depend on moving parts to maintain the seal;

ii. bell traps;

iii. crown-vented traps;

iv. traps not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of an approved material that is resistant to corrosion and degradation;

v. "S" traps;

vi. drum traps;

(a). exception:

(i). drum traps used as solids interceptors and drum traps serving chemical waste systems shall not be prohibited.

vii. running traps;

(a). exceptions:

(i). a running trap with cleanout may be allowed on condensate waste lines and for certain floor level fixtures installed on a combination waste and vent system.

3. Amend Section 1002.4, Trap Seals.

a. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, (*i.e., floor drains or similar traps where the water seal is not replenished regularly and automatically*) a trap seal primer valve shall be installed. Trap seal primer valves shall connect to the trap at a point above the level of the trap seal. A trap seal primer valve shall conform to ASSE 1018 or ASSE 1044.

4. Add Section 1002.4.2, Drainage type trap seal primer valves.

a. Drainage-type trap seal primers meeting ASSE 1044 shall capture liquid wastes only from:

i. the tail piece of a lavatory;

ii. the discharge side of the atmospheric vacuum breaker located downstream of a flushometer valve servicing a water closet or a clinical sink (the takeoff point on the discharge pipe must be at least 4" below the critical level of the vacuum breaker); or,

iii. the refill/hush tube of ballcocks

5. Amend Section 1003.2, Approval.

a. Interceptors and of each separators shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (*i.e., offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment*).

6. Amend Section 1003.3, Grease interceptors.

a. Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.5.

7. Amend Section 1003.3.1, Grease interceptors and automatic grease removal devices required.

a. A grease interceptor or automatic grease removal device, sized in accordance with Section 1003.3.5 of this code, shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, prerinse sinks; soup kettles or similar devices; work stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers. Grease interceptors and automatic grease removal devices shall receive waste only

from fixtures and equipment that allow fats, oils or grease to be discharged. Other than standard detergents associated with dishwashing; emulsifiers, chemicals, enzymes or bacteria shall not discharge into a grease interceptor or automatic grease removal device. A grease interceptor or an automatic grease removal device shall not be required for individual detached one- and two-family dwelling units or any private living quarters.

8. Amend Section 1003.3.2, Hydromechanical grease interceptors.

a. Hydromechanical grease interceptors shall be evaluated, tested, and certified for conformance with ASME A 112.14.3, PDI-G101, or PDI-G102. Hydromechanical grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches (152 mm) above the flood rim level or be installed in accordance with the manufacturer's instructions. To prevent odors in the kitchen or occupied space, such vent shall be directly connected to the building vent system. Hydromechanical grease interceptors shall be sized in accordance with Section 1003.3.5 of this code.

9. Amend Section 1003.3.3, Automatic grease removal devices.

a. Automatic grease removal devices shall be evaluated, tested, and certified for conformance with ASME A112.14.4. Where automatic grease removal devices are installed, such devices shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturer's instructions. Ready access shall be provided for inspection and maintenance. Automatic grease removal devices shall be sized in accordance with Section 1003.3.5 of this code.

10. Amend Section 1003.3.4, Gravity grease interceptors.

a. Gravity grease interceptors shall comply with the requirements of Sections 1003.3.4.1 through 1003.3.4.8 and shall be sized in accordance with Section 1003.3.5 of this code.

11. Amend 1003.3.4.1, Indoor installations.

a. If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.

12. Amend Section 1003.3.4.2, Distance.

a. The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.

13. Add Section 1003.3.4.3, Outlet pipe.

a. The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.

14. Add Section 1003.3.4.4, Air space.

a. A minimum of one foot of air space shall be provided above the static water level.

15. Add Section 1003.3.4.5, Venting.

a. A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.

16. Add Section 1003.3.4.6, Water seal.

a. On un baffled single compartment gravity grease interceptors, a 90° ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.

17. Add Section 1003.3.4.7, Minimum horizontal distance.

a. The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.

18. Add Section 1003.3.4.8, Access/Covers.

a. Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.

19. Amend Section 1003.3.5, Minimum required liquid holding capacity.

a. In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period in accordance Section 1003.3.5.1 or 1003.3.5.2 of this code.

20. Add Section 1003.3.5.1, Without garbage grinder.

a. The minimum capacity for applications without a garbage grinder shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

21. Add Section 1003.3.5.2, With garbage grinder.

a. When a garbage grinder is connected, the minimum capacity shall not be less than 500 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When a garbage grinder is connected and over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 500 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.

i. Exception:

(a). At the discretion of the code official local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:

(i). a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or

(ii). an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or

(iii). the code official local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or

(iv). the code official local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).

(b). In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor shall be determined based upon fixture discharge rate (gpm) and grease retention capacity (pounds) in accordance with PDI G101 or ASME A 112.14.3. Automatic grease removal devices shall be sized in accordance with ASME A112.14.4. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.

22. Amend Section 1003.10, Access and maintenance of interceptors and separators.

a. Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.

K. Amend Chapter 11, Storm Drainage.

1. Amend Section 1101.2, Where required.

a. All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system or to an approved place of disposal. For one- and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building.

2. Amend Section 1101.3, Prohibited drainage.

a. Storm water shall not be drained into sewers intended for sewage only.

i. Exception:

(a). Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.

3. Amend Section 1102.2 1102.2, Inside storm drainage conductors.

a. Inside storm drainage conductors installed above ground shall conform to one of the standards listed in Table 702.1. Plastic piping shall be schedule 40.

4. Amend Section 1102.3, Underground building storm drain pipe.

a. Underground building storm drain pipe shall conform to one of the standards listed in Table 702.2. Plastic piping shall be schedule 40.

5. Delete Section 1103.1.

6. Delete Section 1103.2.

7. Delete Section 1103.3.

8. Delete Section 1103.4.

9. Amend Section 1104.2, Combining storm with sanitary drainage prohibited.

a. The sanitary and storm drainage systems of a structure shall be entirely separate.

10. Amend Section 1106.2, Vertical conductors and leaders.

a. Vertical conductors and leaders shall be sized for the maximum projected roof area, in accordance with Table 1106.2(1) and Table 1106.2(2). If a vertical offset is 45 degrees or less, the leader can be sized as a vertical pipe. If the offset is greater than 45 degrees, the pipe must be sized as a horizontal pipe.

11. Delete Section 1109.1.

12. Amend Section 1113.1, Building subdrains.

a. Building subdrains located below the public storm sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the gravity storm drainage system as required for building sumps. The sump and pumping equipment shall comply with Section 1114.1.

L. Amend Chapter 13, Gray Water Recycling Systems.

1. Amend Section 1301.1, Scope.

a. Gray water recycling systems shall only be considered on an individual basis and plans and specifications for any proposed gray water recycling system shall be submitted to the local jurisdictional code official for review and approval prior to construction. Such plans and specifications shall be appropriately sealed and signed by a Louisiana Registered Professional Engineer. Potable makeup water supply lines shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. The provisions of Chapter 13 shall govern the materials, design, construction and installation of gray water

systems for flushing of water closets and urinals and for subsurface landscape irrigation. See Figures 1301.1(1) and 1301.1(2).

M. Amend Chapter 14, Referenced Standards.

1. Amend CSA Referenced Standard.

a. B64.10.1-07 Maintenance and Field testing of Backflow Prevention devices Section 312.10.2

b. B64.10-94 Manual for the Selection, Installation, Maintenance and Field testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2

N. Add and reserve Chapter 15 for future use.

O. Add Chapter 16, Travel Trailer and Mobile/Manufactured Home Parks.

1. Add the following definitions:

Dependent Travel Trailer—a travel trailer not equipped with a water closet.

Drain Hose—the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.

Drain Outlet—the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.

Independent Travel Trailer—a travel trailer equipped with a water closet and a bath or shower.

Inlet Coupling—the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.

Intermediate Waste Holding Tank (travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.

Mobile/Manufactured Home—a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the Manufactured Home Construction and Safety Standards (HUD Code) and display a HUD certification label on the exterior of each transportable section.

Park or Mobile/Manufactured Home Park or Travel Trailer Park—any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.

Park Drainage System—the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.

Park Water Distribution System—all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.

Service Building—a building housing toilet and bathing facilities for men and women, with laundry facilities.

Sewer Inlet—a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.

Travel Trailer—a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.

Travel Trailer Sanitary Service Station—a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic wash down of the immediately adjacent area, to be used as a disposal point for the contents of intermediate waste holding tanks of travel trailers.

Water Service Connection—as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.

2. Add Section 1601, General.

a. Add Section 1601.1, Scope.

i. The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.

b. Add Section 1601.2, Governing Provisions.

i. Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.

c. Add Section 1601.3, Sewage collection, disposal, treatment.

i. Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.

d. Add Section 1601.4, Travel trailer sanitary service station.

i. At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.

e. Add Section 1601.5, Materials.

i. Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of

drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.

f. Add Section 1601.6, Installation.

i. Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.

g. Add Section 1601.7, Maintenance.

i. All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.

3. Add Section 1602, Service Buildings.

a. Add Section 1602.1, Service buildings for independent travel trailers.

i. Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.

(a). Exception:

(i). Temporary (6 months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from 1302.1.

b. Add Section 1602.2, Service building for dependent travel trailers.

i. The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: One laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).

c. Add Section 1602.3, Service building design requirements.

i. Each service building shall conform to Sections 1302.3.1 through 1302.3.3 of this code.

d. Add Section 1302.3.1, Construction.

i. Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.

e. Add Section 1602.3.2, Fixture separation.

i. The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 feet (914 x 914 mm) in area, with a dressing compartment.

f. Add Section 1602.3.3, Floor drains.

i. A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.

4. Add Section 1603, Park Drainage System.

a. Add Section 1603.1, Separation of water and sewer lines.

i. The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.

b. Add Section 1603.2, Minimum size pipe.

i. The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.

c. Add Section 1603.3, Fixture units.

i. Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.

d. Add Section 1603.4, Sewage disposal/treatment.

i. The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).

e. Add Section 1603.5, Manholes and cleanouts.

Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.

f. Add Section 1603.6, Sewer inlets.

i. Sewer inlets shall be 4-inch diameter and extend above grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.

g. Add Section 1603.7, Drain connections.

i. Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.

h. Add Section 1603.8, Waste.

i. No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.

i. Add Section 1603.9, Testing the park drainage system.

i. Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.

5. Add Section 1604, Water Supply and Distribution System.

a. Add Section 1604.1, General.

i. Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.

b. Add Section 1604.2, Water service lines.

i. Water service lines to each travel trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution system. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of 3/4 inch. A separate service shutoff valve shall be installed on each water service line. In instances where a backflow prevention device or assembly is installed on the water service line (see Section 608.16.23), the shutoff valve shall be located on the supply side of the device or assembly.

c. Add Section 1604.3, Water Service Connections.

i. The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session. .

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:

Jason Starnes
Interim Undersecretary

1606#51

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Boeuf Wildlife Management Area Reopening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to excessive high water levels associated with excessive rainfall in North Louisiana, Boeuf Wildlife Management Area is closed to all activities. Water has receded on this area. Staff have inspected the area roads and deemed the area suitable and safe for public access. Therefore, it is deemed appropriate to reopen this area to all activities.

In accordance with the provisions of 56:6.1, public access to and use of the above mentioned wildlife management area shall be as follows: open to all activities. This Declaration of Emergency shall become effective May 13, 2016.

Charles J. Melancon
Secretary

1606#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Russell Sage Wildlife Management Area Reopening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to excessive high water levels associated with excessive rainfall in North Louisiana, Russell Sage Wildlife Management Area is closed to all activities. Water has receded to the extent that the area has been deemed suitable and safe for public access. Therefore, it is deemed appropriate to reopen Russell Sage Wildlife Management Area to all activities.

In accordance with the provisions of 56:6.1, public access to and use of the above mentioned wildlife management area shall be as follows: open to all activities. This Declaration of Emergency shall become effective May 13, 2016.

Charles J. Melancon
Secretary

1606#003

Rules

RULE

Department of Children and Family Services Division of Programs

Risk Assessment Evaluation (LAC 67:I.Chapter 3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has amended LAC 67:I, General Administration, Chapter 3, Risk Assessment Evaluation.

Chapter 3 has been amended in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41. The amendments include adding an owner, operator, current or prospective employee, or volunteer of an early learning center licensed by the Louisiana Department of Education as individuals entitled to request risk assessment evaluation. In addition, the Chapter has been amended to add procedures and conditions of employment for current and prospective department employees/volunteers, and to update risk evaluation panel membership consistent with current job titles and responsibilities.

Title 67

SOCIAL SERVICES

Part I. General Administration

Chapter 3. Risk Assessment Evaluation

§301. Introduction

A. - B.2. ...

C. Any prospective employee or current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and who discloses or it becomes known that their name was recorded subsequent to January 1, 2010 on the state central registry with a justified (valid) finding of abuse or neglect, may request a risk assessment evaluation in accordance with the following.

1. In accordance with LAC 67:I.305, the prospective employee will have 10 calendar days to make his request for a risk assessment evaluation from the date of receipt of written notification that his name appears on the state central registry and of the risk assessment evaluation process. The application process shall be terminated for a prospective employee and he may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys in the future, unless it is determined that he does not pose a risk to children.

2. In accordance with LAC 67:I.305, a current employee will have 10 calendar days to make a request for a risk assessment evaluation from the date of receipt of written notification that his name appears on the state central registry and of the risk assessment evaluation process. When the employee fails to make such a request, and:

a. he is currently in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, performance of licensing surveys, termination proceedings will begin immediately after the 10 calendar days have elapsed; or

b. if he is not currently in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, performance of licensing surveys but is applying for such a position, he will remain in his current position and shall not be considered for the new position. The provisions in this Chapter pertaining to a prospective employee are applicable to this employee.

3. If a prospective employee requests a risk assessment evaluation within the required time frame and there is a determination that the individual does not pose a risk to children, the prospective employee may reapply for employment and be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys.

4. If a current employee requests a risk assessment evaluation within the required time frame, as a condition of continued employment in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, the current employee shall be directly supervised by another paid employee of the department, who has not disclosed nor has it become known that their name appears with a justified (valid) finding on the state central registry prior to January 1, 2010; or, found not to pose a risk by the risk evaluation panel. Under no circumstances may the employee with the justified finding be left alone and unsupervised with the children pending the disposition of the risk evaluation panel that they do not pose a risk to children.

5. If the risk evaluation panel finds the prospective employee or current employee does pose a risk to children and the prospective employee or current employee chooses not to appeal the finding, the prospective employee may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and termination proceedings shall begin on the current employee, unless his current position does not include those duties.

6. If the risk evaluation panel finds the individual does pose a risk to children and the prospective employee appeals the finding within the required timeframe, the prospective employee may not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys. If the current employee appeals the finding within the required timeframe he shall continue to have direct supervision in a

position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys at all times by another paid employee of the department who has not disclosed nor has it become known that they have a justified (valid) finding on the state central registry prior to January 1, 2010; or found not to pose a risk by the risk evaluation panel, until there is a final ruling rendered by the DCFS appeals unit or the appropriate district court that the current employee does not pose a risk to children. Supervision may end effective with such a final ruling from the DCFS appeals unit and/or the appropriate district court. If the DCFS appeals unit and/or the appropriate district court upholds the risk evaluation panel finding that the individual does pose a risk to children, a prospective employee shall not be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys and termination proceedings for a current employee in a position with those duties will begin immediately upon the receipt of the notice of this final ruling.

D. No person whose duties include supervisory or disciplinary authority over children or direct care of a child may volunteer or become a service provider as provided in LAC 67:V.1103 for DCFS until:

1. the department has conducted a search of the state central registry of justified (valid) abuse or neglect and has determined that the individual's name is not recorded therein subsequent to January 1, 2010; or

2. if an individual's name is recorded on the state central registry subsequent to January 1, 2010, a risk evaluation panel has, previous to his application to volunteer or become a service provider as provided in LAC 67:V.1103, determined in writing that the individual does not pose a risk to children.

E. In accordance with R.S. 46:1414.1, 15:1110.2 and 17:407.41 any owner, operator, current or prospective employee, or volunteer of an early learning center or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education who discloses that he is currently recorded on the state central registry for a justified (valid) finding of abuse or neglect shall be entitled to a risk evaluation provided by the department to determine whether the individual poses a risk to children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:860 (June 2016).

§303. Risk Evaluation Panel and/or Risk Evaluation Coordinator

A. A risk evaluation panel (panel) is established to conduct risk assessment evaluations for an individual as listed in LAC 67:I.301.B, C and E whose name appears on the state central registry to determine if that individual poses a risk to children.

B.1. Members of the panel shall be designated pursuant to Paragraph B.2 and consist of:

- a. the risk evaluation panel coordinator;
- b. a child welfare manager responsible for in home services;
- c. a child welfare manager responsible for out of home services;
- d. a regional child welfare administrator;
- e. a child welfare manager responsible for continuous quality improvement, except for panel reviews relating to DCFS prospective or current employees;
- f. a program child welfare manager for licensing for panel reviews relating to owners, operators, current or prospective employees, or volunteers of specialized providers and juvenile detention facilities; and
- g. any others designated as deemed necessary to convene an appropriate panel.

2. The panel members listed in Paragraph B.1 shall be designated by the DCFS secretary, or his designee.

3. The risk evaluation panel coordinator shall be a non-voting member of the panel.

C. The duties of the panel shall include:

1. conducting an assessment of an individual listed in LAC 67:I.301.B, C and E whose name appears on the state central registry and has requested a risk evaluation to determine whether that individual poses a risk to children;

2. providing written notification of the decision to the individual; and

3. retaining all records of decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:851 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:861 (June 2016).

§305. Risk Assessment Evaluation Process

A. The risk evaluation panel will determine if the individual listed in LAC 67:I.301.B, C and E poses a risk to children based on the information available in the DCFS case record, licensing record if applicable, and any supplemental information provided by the employee.

B. ...

C. The prospective or current employee of DCFS or any owner, operator, current or prospective employee, or current or prospective volunteer of a specialized provider or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education is responsible for providing the following documentation to the risk evaluation panel to be used in conjunction with the information in the case record in making a risk determination:

1. - 3. ...

D. The prospective or current employee of DCFS or any owner, operator, current or prospective employee, or current or prospective volunteer of a specialized provider or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education must submit the information within 10 calendar days of the request for a risk evaluation by mailing to:

Louisiana Department of Children and Family Services
Attention: Risk Evaluation Panel
627 North Fourth St., Third Floor
Baton Rouge, LA 70802

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:861 (June 2016).

§307. Risk Determination Criteria

A. ...

B. The panel shall determine if an individual poses a risk to children based on the information available in the DCFS case record, licensing record if applicable, and any supplemental information provided by the prospective or current employee whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, or a prospective/current volunteer.

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:862 (June 2016).

§309. Appeals Process

A. - B. ...

C. The individual may file a request for an administrative appeal within 30 days of the mailing of the notice of the determination with the DCFS Appeals Unit. Administrative appeals for prospective employees or current employees of DCFS are conducted by the DCFS Appeals Unit. If the request for an administrative appeal is made by a current or prospective owner, employee or volunteer of a specialized provider or juvenile detention facility licensed by the department or an early learning center licensed by the Louisiana Department of Education, within 30 days of the mailing of the notice of the determination, that request shall be sent by the Appeals Unit to the Division of Administrative Law.

D. All decisions rendered by the administrative law judge within the DCFS appeals unit or the division of administrative law are final and such decisions shall exhaust the individual's administrative appeal rights.

E. Within 30 calendar days after the mailing date listed on the notice of the final decision by the DCFS appeals unit or the division of administrative law, or if a rehearing is requested, within 30 calendar days after the date of the decision thereon, the individual may obtain judicial review by filing a petition for review of the decision in the Nineteenth Judicial District Court or the district court of the domicile of the individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 36:852 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 39:3248 (December 2013), LR 42:862 (June 2016).

§311. Correction or Expungement of Central Registry Entries

A. Notwithstanding any other provisions, a panel determination shall not be used to prohibit an individual from being considered for employment when the justified (valid) finding that served as the basis for the risk assessment evaluation is:

1. corrected either pursuant to *Children's Code* article 616 or by DCFS; or

2. expunged either pursuant to LAC 67:V.1103 or LAC 67:V.1105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:51.2, R.S. 46:1414.1, R.S. 15:1110.2 and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, LR 42:862 (June 2016).

Marketa Garner Walters
Secretary

1606#019

RULE

**Department of Children and Family Services
Division of Programs
Child Welfare Section**

State Central Registry (LAC 67:V.1103)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has amended LAC 67:V, Subpart 3, Child Protective Services, Chapter 11, Section 1103, State Central Registry.

Section 1103 has been amended in accordance with 42 USC 15601 et seq., and 28 CFR 115.6. Amendments to this Section provide for the disclosure of state central registry information as required by the Federal Prison Rape Elimination Act (PREA) on justified/valid sexual abuse findings to the Office of Juvenile Justice, upon request, when a prospective or current employee of a juvenile facility is listed as a perpetrator; include disclosure of justified/valid findings on the state central registry for prospective volunteers and service providers; and update current department and program titles.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. The Department of Children and Family Services establishes and will maintain a state central registry (SCR) of all reported cases of child abuse and neglect. The purpose of the SCR is to compile information of past reports of child abuse or neglect thus enabling child protective services staff to conduct a more complete evaluation of current reports of suspected abuse or neglect of children which may include a pattern of incidents. All records of reports of child abuse or neglect are confidential in accordance with R.S. 46:56.

B. The *Louisiana Children's Code*, article 616, requires the maintenance of a SCR of all reported cases. This includes records of investigations with justified/valid findings; unjustified/invalid findings in accordance with *Children's Code*, article 615 E(1); and, inconclusive findings for evaluating court appointed special advocates (CASA) volunteers in accordance with *Children's Code*, article 616 F. As part of the investigation, the Department of Children and Family Services child protective services staff shall provide to caretakers written notice of the SCR and the rules governing maintenance and expungement of SCR records.

1. - 6. ...

7. Any person whose name is included on the SCR with a justified/valid determination may file a rule to show cause against the Department of Children and Family Services in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. The Department of Children and Family Services will expunge the petitioner's name and other identifying information upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the determination. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

C. The Department of Children and Family Services is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. The Department of Children and Family Services will disclose information maintained on the SCR regarding cases of child abuse or neglect to other states' child welfare agencies upon formal inquiry by that agency, when the inquiry is made pursuant to an ongoing child protective services investigation, child protection alternative response, foster care home study, adoptive home study, or family services case following a child protective services investigation in the requesting state, in accordance with R.S. 46:56(F)(4)(a). This information may also be released to private licensed child placing agencies located in Louisiana and in other states upon formal inquiry and verification of licensure. Information released to such agencies is confidential and shall not be released to sources outside the agency.

2. The Department of Children and Family Services will conduct a search of the SCR for foster, adoptive and other home studies for the purpose of placement of children who are in the custody of the department or receiving services from the department.

3. The Department of Children and Family Services will disclose limited information on a SCR records check when requested by an employer or prospective employer of a person who will be exercising supervisory authority over that employer's minor children or other dependent person as part of that person's direct employment and supervision as a caregiver by the parent or person with the dependent. The written request for the information will be a signed and notarized request form that must be signed by the employee

and employer. The form will be provided upon request from the employer, prospective employer, employee, or prospective employee. The information that will be disclosed will include whether or not a record of a justified/valid finding of abuse or neglect was found which identifies the employee or prospective employee as a perpetrator. The information will be disclosed to the employer or prospective employer.

4. The Department of Children and Family Services will disclose information in records of reports of child abuse or neglect when requested in writing from persons cited in R.S. 46:56(F)(10)(a). The information to be disclosed is limited to whether or not the department has a report that is currently open and under investigation or has been determined to be justified/valid, the status of the investigation, the determination made by the department and any action taken by the department. Action taken by the department will include the following: case under investigation, case closed, referred for services, continued services post investigation, and child taken into custody.

5. The Department of Children and Family Services will disclose information regarding justified/valid reports in foster homes, early learning centers, restrictive care facilities and registered family child day care homes to the agency or sponsoring agency responsible for the licensure or registration of the facility.

6. The Department of Children and Family Services will disclose information regarding justified/valid reports when requested pursuant to R.S. 46:56(F)(1) and *Children's Code*, article 616 C, with a written request from a judge of a court exercising juvenile jurisdiction for a CASA applicant, with the applicant's written consent.

7. The Department of Children and Family Services will provide SCR records checks for independent adoptions in accordance with the *Louisiana Children's Code*.

8. The Department of Children and Family Services will disclose information regarding justified/valid reports when requested pursuant to R.S. 46:51.2(A) for potential or current employees of the Department of Children and Family Services when that individual's name is listed on the SCR as a perpetrator. If the individual requests a risk assessment evaluation, this information will also be disclosed to the risk evaluation panel. Information disclosed shall be limited to those names recorded on the SCR subsequent to January 1, 2010.

9. The Department of Children and Family services will disclose information regarding justified/valid findings when requested as part of the application process of a prospective DCFS volunteer or service provider. Information disclosed shall be limited to those names recorded on the SCR subsequent to January 1, 2010. The disclosures for prospective volunteers and service providers are limited to the following individuals:

a. an individual who will be providing services for a child currently in the department's custody through a mentoring or tutoring program established by a memorandum of understanding with the department;

b. an individual who has personally entered into an agreement with the department for the provision of transportation services for a child currently in its custody;

c. an individual who has agreed to serve as a monitor of a safety plan developed by the department for the

protection of a child's health and safety while remaining in his home.

10. The Department of Children and Family Services will disclose information on justified/valid sexual abuse findings in accordance with 42 USC 15601 et seq., and 28 CFR 115.6 for prospective and current juvenile facility employees of the Office of Juvenile Justice upon receipt of a written request.

11. The Department of Children and Family Services will disclose information on justified/valid findings in accordance with R.S. 46:1414.1. This information will be released according to the following provisions.

a. The Department of Children and Family Services will disclose information on justified/valid findings involving any owner, operator, current or prospective employee or volunteer of a specialized provider or juvenile detention facility licensed by the Department of Children and Family Services or early learning center licensed by the Louisiana Department of Education when requested in writing by law enforcement to prosecute under R.S. 46:1441.1.

b. The Department of Children and Family Services will disclose information on justified/valid findings involving any owner, operator, volunteer, current or prospective employee of a specialized provider or juvenile detention facility licensed by the Department of Children and Family Services when requested in writing by the department's Child Welfare Licensing Section when they have reasonable suspicion or are provided facts that indicate reasonable suspicion the individual's name is currently maintained on the SCR as a perpetrator. Reasonable suspicion is defined as licensing having or acquiring information containing specific and articulable facts that indicate that an owner, operator, current or potential employee or volunteer has been investigated and determined to be the perpetrator of abuse or neglect against a minor in an investigation with a justified/valid finding currently recorded on the SCR. Upon receipt of the SCR clearance information that the individual is currently listed as a perpetrator, the appropriate child care or residential licensing and regulatory personnel shall immediately report the false information on the disclosure form and the SCR listing to the local district attorney.

c. If the owner, operator, current or prospective employee or volunteer of a specialized provider or juvenile detention facility licensed by the Department of Children and Family Services or an early learning center licensed by the Louisiana Department of Education discloses, or it becomes known, that their name is listed on the SCR as a perpetrator and requests a risk assessment evaluation, the Department of Children and Family Services will disclose the information on the SCR to the risk evaluation panel.

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., and 28 CFR 115.6.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR

31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016).

Marketa Garner Walters
Secretary

1606#015

RULE

Department of Children and Family Services Economic Stability Section

Pre- and Post-Release Family Strengthening Program (LAC 67:III.5577)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) has adopted LAC 67:III, Subpart 15, Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55, TANF Initiatives, Section 5577, Pre- and Post-Release Family Strengthening Program.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) block grant, adoption of Section 5577 is necessary to govern the collection of eligible rehabilitation expenditures for incarcerated and released male offenders who are fathers of minor children who are members of a needy family that may be counted as maintenance of effort (MOE) for the TANF grant.

This action was made effective by an Emergency Rule dated and effective February 1, 2016.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5577. Pre- and Post-Release Family Strengthening Program

A. The department shall enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to collect information on rehabilitation expenditures for the purpose of claiming eligible expenditures that may count as maintenance of effort (MOE) effective Temporary Assistance for Needy Families (TANF) state plan FY 2015 for the TANF grant. The eligible rehabilitation expenditures that may be claimed as MOE are from the following programs.

1. Regional Reentry Program. This program provides the following services to incarcerated male inmates to assist them in becoming self-sustaining individuals upon release: life skills training; two forms of identification; discharge planning which includes residence, employment, and referral/connection to community resources; high school equivalency classes consisting of literacy, adult basic education, and pre-HiSET classes; and vocational training opportunities. The program attempts to alter the offender's negative attitudes and behavior through treatment and training, reconnect families separated by incarceration, and prepare the family to receive the offender upon release.

2. Day Reporting Program. This program offers the following services to released offenders with technical violations who face revocation and re-incarceration: non-medical substance abuse treatment, life skills, employment skills, job placement assistance, cognitive-behavioral interventions, and intensive case management. Additional services may also include adult basic education and HiSET preparation, parenting and family relations skills, anger management, pro-social family and community support, relapse prevention activities, and pro-social cognitive decision-making as needed. The program seeks to identify critical thinking and decision making errors that can be addressed, substance abuse and mental health needs, as well as assist with family dynamics to ensure the offender has the resources and tools necessary to remain in the community and avoid a return to prison.

3. Local Jail Transition Specialists. This program uses mobile transition specialists who provide the following services to incarcerated state offenders that are housed at local jails: parenting and anger management programming, behavior modification, and case management. The program seeks to reduce the offender's risk of recidivism, increase pro-social decision making, and ensure offenders are routed to the regional reentry programs and/or day reporting centers as appropriate.

B. These services meet TANF goal 2, to end dependence of needy parents on government benefits, by promoting job preparation, work, and marriage, and TANF goal 4, to encourage the formation and maintenance of two-parent families.

C. Eligibility for services attributable to TANF/MOE funds is limited to incarcerated and released male offenders who are fathers of minor children who are members of a needy family. A family meets financial eligibility if any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Supplemental Nutrition Assistance Program (SNAP) benefit, Title XIX (Medicaid) Medical Assistance Program benefit, Louisiana Children's Health Insurance Program (LaCHIP) benefit, or supplemental security income (SSI) benefit.

D. Services are considered non-assistance by the department.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., P.L. 104-193, and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 42:864 (June 2016).

Marketa Garner Walters
Secretary

1606#016

RULE

Department of Economic Development Office of Business Development

Quality Jobs Program (LAC 13:I.Chapter 11)

These rules are being published in the *Louisiana Register* as required by R.S. 47:4351 et seq. The Department of Economic Development, Office of Business Development,

as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, has amended and reenacted §§1105, 1107, 1111, 1117, and 1123 and enacted §1133 for the administration of the Quality Jobs Program in LAC 13:I.Chapter 11, to implement fees under the new fee schedule provided for by Act 361 of the 2015 Regular Session of the Louisiana Legislature and to make other changes to bring the rules into compliance with statute and department procedures.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 11. Quality Jobs Program

§1105. Qualified Employers

A. To qualify for a Quality Jobs Program contract, an employer must meet the following requirements.

1. - 2.i. ...

3. Payroll

a. - c. ...

d. The employer shall have the required annual payroll for new direct jobs and the minimum five new direct jobs for the employer's fiscal year for which the employer is applying for its third annual rebate, or the contract is cancelled and any rebates received must be repaid.

4. - 5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2307 (November 2003), amended by the Office of Business Development, LR 37:2590 (September 2011), LR 42:865 (June 2016).

§1107. Application Fees, Timely Filing

A. The applicant shall submit an advance notification on the prescribed form before locating the establishment or the creation of any new direct jobs in the state. All financial incentive programs for a given project shall be filed at the same time, on the same advance notification form. An advance notification fee of \$250, for each program applied for, shall be submitted with the advance notification form. An advance notification filing shall be considered by the department to be a public record under *Louisiana Revised Statutes*, title 44, chapter 1, Louisiana Public Records Law, and subject to disclosure to the public.

B. An application for the Quality Jobs Program must be filed with the Office of Business Development, Business Incentives Services, P.O. Box 94185, Baton Rouge, LA 70804-9185 on the prescribed forms no later than 24 months after the department has received the advance notification and fee. Failure to file an application within the prescribed timeframe will result in the expiration of the advance notification.

C. An application fee shall be submitted with the application based on the following:

1. 0.5 percent (.005) times the estimated total incentive rebates (see application fee worksheet to calculate);

2. the minimum application fee is \$500 and the maximum application fee is \$15,000 for a single project;

3. an additional application fee will be due if a project's employment or investment scope is or has increased, unless the maximum has been paid.

D. An application to renew a contract shall be filed within 60 days of the initial contract expiring. A fee of \$250 must be filed with the renewal contract. The board may approve a request for renewal filed more than 60 days but less than five years after expiration of the initial contract, and may impose a penalty for the late filing of the renewal request, including a reduction of the 5-year renewal period.

E. The advance notification, application, or annual certification is not deemed to be filed until all information requested on the form and the required fees are received by LED. Processing fees for advance notifications, applications, or annual certification that have been accepted for eligible projects shall not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2308 (November 2003), amended by the Office of Business Development, LR 37:2591 (September 2011), LR 42:865 (June 2016).

§1111. Consultation with the LWC and the LDR

A. The department will provide a copy of the application and all relative information to the LWC and the LDR for review. Either the LWC or the LDR or both may require additional information from the applicant.

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LWC and the LDR, prior to submitting the application to the board for action. If LWC or LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with the department issuing the objection, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LWC or LDR. Applicants may demonstrate active negotiation to LED by providing written documentation of ongoing, bilateral communications between the applicant or its representative and LWC or LDR as applicable, even if such communication begins after the objection was issued, or other written verification as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:964 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016).

§1117. The Contract

A. The board, after no objection from the executive director of the LWC and secretary of the LDR, and with the approval of the governor, may enter into a contract with an employer for a period up to five years.

1. - 5. ...

6. A fee of \$250 shall be filed with a request for any contract amendment, including but not limited to, a change of ownership, change in name, or change in location.

B. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:965 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016).

§1123. Rebate Claim Filing

A. Payroll Rebate

1. An annual certification and a fee of \$250 shall be filed annually, commencing within six months after completion of the applicant's fiscal year or execution of the contract, whichever is later. The department may grant an extension of up to an additional six months provided the extension is requested prior to the filing deadline. Failure to file an annual certification within the prescribed timeframe may result in the annual rebate being denied or restricted. An annual certification is required in each year the contract is active, irrespective of whether annual rebates are being claimed.

2. - 6. ...

B. Sales and Use Tax Rebate or Investment Tax Credit

1. An annual employee certification report with a \$250 annual employee certification report fee must be filed on all active contracts for the employer to qualify for the sales and use tax rebate or investment tax credit under this Chapter. Employers must meet the requirements of the Enterprise Zone legislation and rules to qualify.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2311 (November 2003), amended by the Office of Business Development, LR 37:2594 (September 2011), LR 42:866 (June 2016).

§1133. Applicability of Act 126 of the 2015 Legislative Session to the Quality Jobs Program

A. Pursuant to Act 126 of the 2015 Regular Session of the Louisiana Legislature:

1. for projects filing an advance notification on or after July 1, 2015, from July 1, 2015, through June 30, 2018, annual payroll rebates will be approved for payment at a rate of 5 percent or 6 percent (as applicable) multiplied by 80 percent of payroll. Payroll rebates approved on and after July 1, 2018, will be calculated on 100 percent of payroll. However, annual payroll rebates claims that are due before July 1, 2018, but not timely filed are subject to reduction in the discretion of the Board of Commerce and Industry;

2. projects filing advance notification before July 1, 2015, are not affected by Act 126, and payroll rebates will be calculated on 100 percent of payroll irrespective of date of approval for payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 42:866 (June 2016).

Anne G. Villa
Undersecretary

1606#028

RULE

Department of Economic Development Office of Business Development

Enterprise Zone Program (LAC 13:I.Chapter 7)

These rules are being published in the *Louisiana Register* as required by R.S. 47:4351 et seq. The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104 has amended and reenacted §§701, 717, 721, 723, 725, 729, 731, and 739 for the administration of the Enterprise Zone Program in LAC 13:I.Chapter 7 to implement fees under the new fee schedule provided for by Act 361 of the 2015 Regular Session of the Louisiana Legislature and to make other changes to bring the rules into compliance with statute and department procedures.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 7. Enterprise Zone Program

§701. Scope and Qualifications

A. - D. ...

E. Qualifications

1.a. To qualify for the enterprise zone program, a business must create permanent full-time net new jobs that are at least equal to the lesser of:

- i. five jobs, created within the first two years of the contract period; or
- ii. the number of jobs equal to a minimum of 10 percent of the employees employed throughout the United States by the business and its affiliates, a minimum of one, created within the first year of the contract period.

b. For good cause shown, the board may grant an extension of not more than two years to comply with the above job creation requirements.

2. - 4.d. ...

5. Limitation on Retail Establishments

a. No retail business with an NAICS code of 44, 45, or 722 is eligible to participate in the program unless it filed an advance notification prior to July 1, 2015.

b. For advance notifications filed on or after June 21, 2013 and before July 1, 2015:

i. retail establishments that are assigned a North American industry classification code beginning with 44 or 45 and have more than 100 employees nationwide including affiliates prior to the contract effective date are not eligible to participate unless:

(a). the business is a grocery store or pharmacy as defined by LED; and

(b). the business is located in an enterprise zone;

ii. however, if a retail establishment filed an advance prior to July 1, 2015, but did not enter into an EZ

contract prior to July 1, 2015, it cannot claim EZ incentives until on or after July 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:252 (March 1991), amended by Department of Economic Development, Office of Commerce and Industry, LR 22:446 (June 1996), amended by the Department of Economic Development, Office of Business Development, LR 29:2298 (November 2003), LR 37:2368 (August 2011), LR 40:490 (March 2014), LR 42:867 (June 2016).

§717. Annual Employee Certification

A. An annual employee certification report (ECR) must be filed with the business incentive services by May 31 on all active contracts validating compliance with §§709, 711, 713, and 715. An ECR fee of \$250 shall be submitted with the report. Failure to file may result in contract cancellation. One 30-day extension may be granted if requested in writing if the request is received prior to the due date of the ECR.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2301 (November 2003), amended LR 37:2373 (August 2011), LR 40:494 (March 2014), LR 42:867 (June 2016).

§721. Advance Notification

A. An advance notification form, and a \$250 fee, shall be filed with business incentive services prior to the beginning of the project. All incentives for the same project must be indicated on one advance notification and be identified by one project number. It is not acceptable to apply for Enterprise Zone Program and use the same project in a miscellaneous capital addition application for the Industrial Tax Exemption Program. Internet filing of the advance notification may be made at the department website.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development LR 29:2302 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:867 (June 2016).

§723. Application

A. - B. ...

C. An application fee equal to 0.5 percent (0.005) of the total estimated tax relief shall be submitted with each application. Total estimated tax relief includes jobs tax credits, state sales and use tax rebates and investment tax credits. Jobs tax credits are calculated by multiplying the total new jobs estimated to be created within the five-year contract period by \$2,500 (\$5,000 for rubber, aerospace or auto parts manufacturers). An additional application fee will be due if a project's employment or investment is increased from that stated in the application, resulting in a minimum fee of \$100 more than previously paid. The minimum fee is \$500 and the maximum fee is \$15,000 per application. All fees shall be made payable to Louisiana Department of Economic Development.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR

29:2303 (November 2003), amended LR 37:2373 (August 2011), LR 40:495 (March 2014), LR 42:867 (June 2016).

§725. Recommendations of the Secretaries of Economic Development and Revenue

A. ...

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LDR, prior to submitting the application to the board for action. If LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with LDR, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LDR. Applicants may demonstrate active negotiation to LED by providing written documentation of ongoing, bilateral communications between the applicant or its representative and LDR, even if such communication begins after the objection was issued, or other written verification as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 29:2303 (November 2003), amended LR 37:2374 (August 2011), LR 40:495 (March 2014), LR 42:868 (June 2016).

§729. Enterprise Zone Program Contract

A. ...

B. Business incentive services must be notified, on the prescribed form, of any change that will affect the contract. A fee of \$250 shall be submitted with a request for any contract amendment. This includes, but is not limited to, changes in the ownership or operational name of the business holding a contract, or the suspension, closing, or abandonment of operations. Failure to report any changes within six months may constitute a breach of contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:868 (June 2016).

§731. Project Completion

A. Within six months after the project ending date or the governor's signature on the contract, whichever is later, the business shall file with business incentive services, on the prescribed form, a project completion report and an affidavit of final cost. A project completion report fee of \$250 and an affidavit of final cost fee of \$250 shall be submitted with these forms or any amendments to these forms.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2374 (August 2011), amended LR 40:496 (March 2014), LR 42:868 (June 2016).

§739. Fees

A. Advance notifications, applications, and affidavits of final cost are not deemed to be filed until all information requested on the form and the required fees are received by LED. Processing fees for advance notifications, applications, or annual certifications that have been accepted for eligible projects shall not be refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1786(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 37:2376 (August 2011), amended LR 40:497 (March 2014), LR 42:868 (June 2016).

Anne G. Villa
Undersecretary

1606#029

RULE

**Office of the Governor
Board of Examiners of Certified Shorthand Reporters**

Certification Affidavit of Court Reporting Firm
(LAC 46:XXI.1303)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board of Examiners of Certified Shorthand Reporters has adopted changes made to the court reporting procedures Rule.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XXI. Certified Shorthand Reporters
Chapter 13. Code of Ethics**

**§1303. Employment Relationship with
Court Reporting Firm**

A. - D. ...

E. Certification Affidavit of Court Reporting Firm

**CERTIFICATION AFFIDAVIT OF COURT
REPORTING FIRM**

STATE OF _____
PARISH OR COUNTY OF _____

BEFORE ME, the undersigned authority, duly qualified to take acknowledgments and administer oaths within the state and locality inscribed above, personally appeared

(“Affiant”), who is representing

_____ a _____ [state] corporation [or limited liability company or other form of business organization] that is doing business in Louisiana as a court reporting firm as defined by Acts 2014, No. 839 (hereinafter, “Court Reporting Firm”). The physical address of the entity’s principal place of business is _____ [street and suite number, if any] in _____ [city], State of _____, Zip _____, Telephone: () _____, Email _____.

After being duly sworn, Affiant did attest as follows:

1. Affiant is a knowledgeable representative who is authorized to act on behalf of the Court Reporting Firm in executing this Certification Affidavit.

2. The Court Reporting Firm has engaged a Louisiana licensed court reporter to perform court reporting services in connection with the deposition(s) of _____ [identify by name each deponent covered by this certification; attach additional sheets if necessary] to be taken in the following proceeding:

_____ vs. _____, pending in the _____ Court under matter number _____.

3. Affiant certifies, after performing due diligence, that the Court Reporting Firm has no prohibited employment or contractual relationship, direct or indirect, under Louisiana

Code of Civil Procedure Article 1434 with a party litigant in the matter for which the court reporter's services have been engaged. Affiant further acknowledges affiant's duty to provide information and will provide information promptly to the Louisiana Board of Examiners of Certified Shorthand Reporters (hereinafter, "CSR Board") regarding any change in these relationships or in Affiant's knowledge of these relationships.

4. Affiant attaches hereto the schedule of all charges and other disclosures that the court reporter must have available at the time of taking the deposition.

5. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by applicable state laws for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that Affiant has read and understands the full facts and content of this Affidavit.

SIGNATURE OF AFFIANT: _____
Sworn before me this me this _____ day of _____, 20____

Notary Public _____
Print name: _____
My commission expires: _____

Form 10/15 Effective July 1, 2016

Each completed Firm Certification Affidavit in the foregoing form must be filed with the CSR Board by the taking court reporter within 30 days of the date of the deposition. The filing does not need to include the schedule of charges.

I, a Louisiana Licensed Court Reporter, as the officer who took the depositions(s), hereby submit this certification affidavit via _____ [facsimile/e-mail] within 30 days of the date of the depositions to which this certification applies. I further certify that I have received the required schedule of all charges and other disclosures from the Court Reporting Firm in connection with this certification and acknowledge my obligation to maintain the schedule for a minimum of three years.

I have read and confirmed that the language of the certification affidavit conforms with the form promulgated by the CSR Board. I have listed below or on additional pages, if necessary, the name and contact information for each taking attorney.

Signature _____ Date _____

Printed Name _____ LA CCR NO. _____

Taking Attorney Name: _____

Firm Name: _____

Address: _____

Phone: _____ Email: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 41:335 (February 2015), amended LR 42:868 (June 2016).

Judge Paul A. Bonin
Chair

1606#009

RULE

**Office of the Governor
Division of Administration
Office of Technology Services**

**Information Technology Contracts for Consulting Services
(LAC 34:I.Chapter 55)**

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Office of the Governor, Division of Administration, Office of Technology Services (OTS) enacts LAC 34:I.5521, LAC 34:I.5523, and LAC 34:I.5525 for the procurement of information technology (IT) consulting services, IT systems, IT services, IT equipment or similar services contracts as authorized by R.S. 39:200(L). OTS has adopted provisions which will allow it the ability to make multiple awards in information technology consulting services contracts.

Title 34

**GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY CONTROL**

Part I. Purchasing

**Subpart 3. Equipment-Lease-Purchase Program
Chapter 55. Procedures for Information Technology
Hardware, Software, Software
Maintenance and Support Services and
Hardware Maintenance**

**§5521. Procurement of Information Technology
Consulting Services, Information Consulting
Systems, Information Technology Services,
Information Technology Equipment Using
Multiple Awards**

A. A multiple award is an award of an indefinite quantity contract for one or more information technology (IT) consulting services, IT systems, IT services, IT equipment or similar service to more than one contractor through the request for proposals or invitation to bid process. A multiple award may be in the state's best interest when award to two or more contractors is needed for adequate delivery, service, or availability. In making a multiple award, care shall be exercised to protect and promote the principles of competitive solicitation. Multiple awards shall not be made when a single award will meet the state's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business or avoiding the resolution of tie proposals. Any such awards shall be limited to the least number of IT consultants, IT systems, IT services, or IT equipment necessary to meet the valid requirements of the Office of Technology Services. It shall be mandatory that the requirements of the Office of Technology Services that can be met under the contract be obtained in accordance with the contract, provided, that:

1. the state shall reserve the right to take solicitations separately if a particular service requirement arises which exceeds the scope specified in the contract;

2. the state shall reserve the right to take solicitations separately if the contract will not meet a nonrecurring or special need of the state;

3. the state reserves the right to use its own personnel to provide similar services when such services are available and satisfy the Office of Technology Services need.

B. Where multiple award contracts exist for IT consulting services, IT systems, IT services, IT equipment or similar service, the Office of Technology Services may utilize any of the following procedures prior to issuing task orders.

1. The Office of Technology Services may prepare a request for response that may include, if applicable, the following (A request for response is an informal process used to seek additional information to assist the state chief information officer (CIO) make a best value determination.):

a. a performance-based statement of work that includes such things as:

- i. the work to be performed;
- ii. location of the work;
- iii. period of performance;
- iv. deliverable schedule;
- v. applicable performance standards;
- vi. acceptance criteria;
- vii. any special requirements (e.g. security clearances, special knowledge, etc.);
- viii. the products or services required using generic description of products or services whenever possible;

b. if necessary or applicable, a request for submittal of a project plan for performing the task and information on the contractor's experience and/or past performance performing similar tasks;

c. a request for submittal of a firm-fixed total price for the product and/or service which are no higher than prices in the multiple award contract;

d. submit the request for response to at least three multiple award contract holders, whenever available, offering functionally equivalent products and/or services that will meet the Office of Technology Services' needs.

2. The CIO may issue task orders by allowing selected awardees to give oral presentations in lieu of written response to a request for response.

3. The CIO need not contact awardees prior to issuing an order if the CIO has information, such as price sheets or catalogs available to determine the best value for the state.

C. Evaluation and Selection of the Contractor to Receive the Task Order

1. In making a best value determination, the CIO shall place the task order(s) with the contractor(s) that meet(s) the Office of Technology Services' needs. The Office of Technology Services should give preference (where allowable) to small entrepreneurship or small and emerging businesses when two or more contractors can provide the products and/or services at the same firm-fixed total price.

2. A best value determination is one that considers, in addition to underlying contract pricing, such factors as:

- a. probable life of the product selected;
- b. technical qualifications;
- c. delivery terms;
- d. warranty;
- e. maintenance availability;
- f. administrative costs;

g. compatibility of a product within the user's environment;

h. user's familiarity with the item or service; and

i. qualifications and experience of proposed staff.

3. The Office of Technology Services shall document in the procurement file the evaluation of the contractors' response that formed the basis for the selection. The documentation shall identify the contractor from which the product and/or services were purchased, the products and/or services purchased, and the cost of the resulting order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:200(L).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Technology Services, LR 42:869 (June 2016).

§5523. Intent to Use

A. If a multiple award is anticipated prior to issuing a solicitation, the method of award should be stated in the solicitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:200(L).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Technology Services, LR 42:870 (June 2016).

§5525. Determination Required

A. The chief information officer shall make a written determination setting forth the reasons for a multiple award, which shall be made a part of the procurement file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:200(L).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Technology Services, LR 42:870 (June 2016).

Richard Howze
Chief Information Officer

1606#006

RULE

Office of the Governor Real Estate Appraisers Board

License Requirements (LAC 46:LXVII.Chapter 103)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3397 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Real Estate Appraisers Board has amended Chapter 103 (License Requirements).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate Subpart 2. Appraisers

Chapter 103. License Requirements

§10308. Appraiser Trainees

A. - A.1. ...

2. The certified residential or certified general real property appraiser shall be responsible for the conduct of the licensed appraiser trainees and shall supervise their work product, in accordance with the guidelines and requirements

of the “2016-2017 Uniform Standards of Professional Appraisal Practice” or its successor.

2.a. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), amended LR 37:333 (January 2011), LR 41:368 (February 2015), LR 42:870 (June 2016).

§10309. Application for Experience Credit

A. ...

B. Experience credit shall be approved by the board in accordance with *The Real Property Appraiser Qualification Criteria*, May 2015, prescribed by the Appraiser Qualifications Board of the Appraisal Foundation (AQB). Calculation of experience hours shall be based solely on actual hours of experience.

C. Only those real property appraisals consistent with the “Uniform Standards of Professional Appraisal Practice” or its successor will be accepted by the board for experience credit.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), LR 37:333 (January 2011), LR 39:310 (February 2013), LR 41:368 (February 2015), LR 42:871 (June 2016).

§10313. General Experience Requirements

A. ...

1. When an appraisal report is signed by more than one person, credit for said assignment shall be claimed according to the number of actual hours worked by each person. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

A.2. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1334 (June 2005), LR 37:333 (January 2011), LR 41:369 (February 2015), LR 42:871 (June 2016).

§10317. Co-Signed Reports, Reviews, Articles and Textbooks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), repealed by the Office of the Governor, Real Estate Appraisers Board, LR 42:871 (June 2016).

§10319. Temporary Practice License

A. An applicant shall be granted a temporary practice license to perform the appraisal assignment described in his or her application, if:

1. the applicant has filed a properly completed application;

2. the applicant has submitted the required fee with the application;

3. the applicant has satisfied the board as to his qualifications and eligibility for temporary licensing privileges; and

4. the time projected by the applicant for completion of the assignment is reasonable, given the scope and complexity of the assignment.

B. Application for a temporary practice license shall be made on forms prescribed by the board.

C. Licensing privileges granted under the provisions of this Subsection shall expire upon completion of the appraisal assignment described in the application for temporary licensing.

D. The board shall extend the applicant's temporary practice license expiration date, if the applicant shows, in writing, that additional time is needed to complete the assignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 42:871 (June 2016).

Bruce Unangst
Executive Director

1606#021

RULE

**Office of the Governor
Real Estate Appraisers Board**

**Prohibited Activities
(LAC 46:LXVII.30701, 30901, 31101, and 31103)**

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3397 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Real Estate Appraisers Board has amended Chapters 307 (Prohibited Activities), 309 (Disciplinary Authority; Enforcement and Hearings), and 311 (Compensation of Fee Appraisers).

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVII. Real Estate

Subpart 3. Appraisal Management Companies

Chapter 307. Prohibited Activities

§30701. Improper Influence

A. - A.6. ...

7. committing an act or practice that impairs, or attempts to impair, an appraiser’s independence, objectivity or impartiality;

8. making referrals to Louisiana appraisers for appraisal services during any period in which the appraisal management company license has expired; or

9. requiring an appraiser to indemnify it or hold it harmless from any liability, damage, losses or claims arising out of the services provided by it. This prohibition shall not preclude indemnification agreements for services performed by the appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 37:2408 (August 2011), amended LR 42:871 (June 2016).

Chapter 309. Disciplinary Authority; Enforcement and Hearings

§30901. Causes for Censure, Suspension, Revocation, or Denial of a License

A. The Louisiana Real Estate Appraisers Board may censure, deny, suspend, or revoke an appraisal management company license, or may restrict or limit the activities of an appraisal management company or a person who owns an interest in or participates in the business of the appraisal management company, if the board finds that any of the following circumstances apply.

1. - 6. ...

7. The licensee failed to notify the board within ten days of any disciplinary action imposed against the licensee, its owners, or employees in any state.

B. - D.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 37:2408 (August 2011), amended LR 42:872 (June 2016).

Chapter 311. Compensation of Fee Appraisers

§31101. General Provisions; Customary and Reasonable Fees; Presumptions of Compliance

A. - C. ...

D. Except in the case of breach of contract or substandard performance of real estate appraisal activity, an appraisal management company shall make payment to an independent contractor appraiser for the completion of an appraisal or appraisal review assignment:

1. within 30 days after the appraiser provides the completed appraisal report to the appraisal management company.

2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 39:3073 (November 2013), amended LR 42:872 (June 2016).

§31103. Disclosure

A. When an appraisal obtained through an appraisal management company is used for loan purposes, the borrower or loan applicant shall be provided with a written disclosure of the total compensation to the appraiser or appraisal firm within the certification body of the appraisal report that is transmitted to the client/intended end user and it shall not be redacted or otherwise obscured.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3415.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 42:872 (June 2016).

Bruce Unangst
Executive Director

1606#020

RULE

**Department of Health and Hospitals
Board of Dentistry**

Advertising and Soliciting by Dentists and Complaints and Investigation (LAC 46:XXXIII.301 and 801)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.301 and 801.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. - E.5. ...

6. advertises any procedure mandated or prohibited by law, such as advertising that a dentist has "state of the art sterilization," when state of the art sterilization is required of all dentists;

E.7. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 30:2305 (October 2004), LR 32:243 (February 2006), LR 37:2150 (July 2011), LR 42:872 (June 2016).

Chapter 8. Complaints, Investigation, and Informal Resolution

§801. Complaints and Investigation

A. Complaints to the board about licensees or about individuals practicing without a license must be in writing to be considered by the board. Complaints, other than complaints involving advertising violations, must also be signed by the person filing the complaint. However, the board president has the discretion to accept an anonymous complaint or oral complaint when the complaint, in the board president's judgement with the agreement of one other board member, appears to indicate a significant potential for harm to the public. The board shall keep a record of the number of complaints per year, other than advertising complaints, that were accepted despite being anonymous and/or oral. This record of the number of anonymous and/or oral complaints accepted shall be kept in accordance with the board's record retention schedule, and shall be considered a public record, although details about the

complaints are not public records and shall remain privileged and confidential pursuant to applicable statutes. Complaints can come from any source, including but not limited to the general public, board members and governmental agencies or their contractors.

B. - D. ...

E. The subject of the complaint will be provided with a copy of the complaint no later than the date on which the complaint is provided to the DOC unless the board president, in his discretion, determines that:

1. providing the complaint to the subject would jeopardize a board investigation, in which case a copy of the complaint will be provided once the board president determines that providing the complaint would no longer jeopardize any investigation, but in any event, no later than the date of any informal hearing on the matter; or

2. the board president, in his discretion feels that there is good cause to keep the identity of the complainant confidential, in which case a detailed summary of the facts of the complaint shall be provided, withholding any information that might reveal the identity of the complainant.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 42:56 (January 2016), amended LR 42:872 (June 2016).

Arthur Hickham, Jr.
Executive Director

1606#005

RULE

Department of Health Board of Nursing

Nursing Practice (LAC 46:XLVII.Chapter 37)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) has amended LAC 46:XLVII.3703.A.a.iv.c and adopted LAC 46:XLVII.3709. The Nurse Practice Act provides that the registered nurse and APRN may delegate selected nursing functions approved by the board; however medication administration has previously been considered a complex task that has not been deemed delegable to unlicensed personnel in any circumstances. The Rule changes provide for such delegation in limited and specific circumstances. The Act and rules assign to the registered nurse and APRN the responsibility of providing the same quality of patient care as provided by the registered nurse when tasks are delegated. The administrative rules also address specific criteria that must be met in order for the registered nurse to delegate tasks.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Chapter 37. Nursing Practice

§3703. Definition of Terms Applying to Nursing Practice

A. Terms applying to legal definitions of nursing practice, R.S. 37:913(13) and (14).

* * *

Delegating Nursing Interventions—entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered nurse retains the accountability for the total nursing care of the individual. The registered nurse is responsible for and accountable to each consumer of nursing care for the quality of nursing care he or she receives, regardless of whether the care is provided solely by the registered nurse or by the registered nurse in conjunction with other licensed or unlicensed assistive personnel.

a. - a.iv.(b). ...

(c). The administration of medications is a complex task when it requires the consideration of a number of factors and the formulation of judgments according to those factors. Delegation of medication administration to unlicensed assistive personnel is prohibited except as authorized and provided for in LAC 46:XLVII.3709.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:911, R.S. 37:913 and R.S. 37:935.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing LR 7:79 (March 1981), amended LR 10:598 (August 1984), LR 12:677 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 32:245 (February 2006), amended by the Department of Health, Board of Nursing, LR 42:873 (June 2016).

§3709. Delegation of Medication Administration to Unlicensed Assistive Personnel in Outpatient Clinic Settings

A. Introduction. Registered nurses and advanced practice registered nurses may delegate medication administration in outpatient clinic settings for patients with stable and predictable health conditions under specific provisos as provided for in this Subpart. When delegating to unlicensed assistive personnel, the registered nurse or advanced practice registered nurse is authorizing the unlicensed assistive personnel to perform a task that is normally within the registered nurse's or advanced practice registered nurse's scope of practice. Prior to agreeing to delegate tasks including medication administration, the registered nurse or advanced practice registered nurse is responsible for understanding rules relative to delegating nursing care and for achieving the competence to delegate and supervise.

B. Definitions

Administration of Medication—removal of an individual dose from a previously dispensed or distributed, properly labeled container, verifying the dose and medication with the prescriber's order, giving the individual dose to the proper patient at the proper time by the proper route and promptly recording the time and dose given.

Delegation—entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered nurse or advanced practice registered nurse retains the accountability for the total nursing care of the individual. The registered nurse and advanced practice registered nurse is responsible for and accountable to each consumer of nursing care for the quality of nursing care he or she receives, regardless of whether the care is provided solely by the registered nurse/advanced practice registered nurse or by the registered nurse/advanced practice registered nurse in conjunction with other licensed or unlicensed assistive personnel.

Direct Supervision—the registered nurse or advanced practice registered nurse is physically present in the office or suite where the procedure, including medication administration, is being performed at all times that the unlicensed assistive personnel is on duty providing services. Direct supervision also includes ongoing oversight, follow-up and evaluation of the individual patient and the ongoing oversight, follow-up and evaluation of competency of the unlicensed assistive personnel.

Outpatient Clinic Setting—nonresidential facilities, that provides treatment for health conditions that is obtained on an outpatient basis which allows patients to return to and function in their usual environment. Outpatient clinic settings for the purpose of this subpart do not include facilities such as hospitals, emergency rooms, and ambulatory surgical centers.

Person-Specific—health care needs and related factors in order to meet the unique needs of the specific person receiving care.

Stable and Predictable—a situation in which the person's clinical and behavioral status is determined by a licensed registered nurse or advanced practice registered nurse to be non-fluctuating and consistent. A stable and predictable condition involves long term health care needs which are recuperative in nature, do not require the regular scheduled presence or reassessment of a licensed nurse, and is not characterized by rapid changes.

Unlicensed Assistive Personnel—an unlicensed individual who is trained to function in an assistive role to the licensed nurse in the provision of patient activities as delegated by the nurse. Unlicensed assistive personnel have no authority to provide nursing care, despite any education or training, without the delegation of such care and tasks from registered nurses or advanced practice registered nurses.

C. Responsibilities. Registered nurses and advanced practice registered nurses may delegate medication administration in outpatient clinic settings provided the following conditions are met.

1. The registered nurse or advanced practice registered nurse has assessed the health status of the individual

immediately prior to the delegation, and the patient's health condition is determined to be stable and predictable.

2. The registered nurse or advanced practice registered nurse provides direct supervision and retains the accountability for the total nursing and advanced practice nursing care of the individual and retains the responsibility to:

- i. assess the patient;
- ii. develop and implement the plan of care;
- iii. determine that the medication administration can be safely and legally delegated;
- iv. ensure the medication administration is properly documented in the patient's record;
- v. ascertain the training and competency of the unlicensed assistive personnel to whom the registered nurse or advanced practice registered nurse delegates the administration of medication;
- vi. rescind the delegation if the patient's condition changes, it is determined that the unlicensed assistive personnel is not safe or competent to administer the medication, or as otherwise determined by the registered nurse or advanced practice registered nurse.

3. The delegation of medication administration to unlicensed assistive personnel must be person-specific, and the unlicensed assistive personnel must:

- i. be adequately trained for the task;
- ii. have demonstrated that the task has been learned;
- iii. be able to perform the task safely in the given nursing situation;
- iv. be safe for the person to carry out the task;
- v. have appropriate supervision available during the task implementation.

4. The delegation of medication administration by the unlicensed assistive personnel must be an established policy of the practice setting and include all aspects of LAC 46:XLVII.3709.G at a minimum. The policy must be written, recorded, and available to all.

5. The registered nurse or advanced practice registered nurse and the unlicensed assistive personnel must be employed by the same organization or otherwise be formally accountable to the same institution or organization.

D. Prohibitions and Exceptions

1. Under no circumstances shall a registered nurse or advanced practice registered nurse delegate the administration of:

- i. drugs given by the intravenous route;
- ii. blood and blood products;
- iii. investigational drugs;
- iv. cancer therapeutic agents;
- v. total parenteral nutrition solutions;
- vi. drugs given through accessing an implanted device;
- vii. insulin;
- viii. oxygen;
- ix. controlled substances;
- x. anesthetic agents;
- xi. any agents used in the provision of cosmetic and aesthetic dermatological procedures.

2. The delegation of medication administration is person-specific and is in no way considered a certification or skill that authorizes the unlicensed assistive personnel to

utilize the title or credentials of other professionals including licensed persons.

3. These rules do not apply to inpatient facilities, licensed emergency departments of a hospital, long term care facilities, any residential facilities, or any other facility in which a registered nurse is required to be present by statute or administrative rule.

4. This Subpart, LAC 46:XLVII.3709, does not apply to nursing students enrolled in board approved nursing programs while practicing under the direct supervision of qualified faculty and preceptors.

5. The registered nurse or advanced practice registered nurse shall not delegate medication administration or any other task if the intervention requires the registered nurse's or advanced practice registered nurse's judgment to safely alter the standard procedure in accordance with the needs of the patient; or requires the consideration of a number of factors in order to perform the procedure; or requires judgment to determine how to proceed from one step to the next.

6. The reconstitution of and the calculation of any medication doses except for measuring a prescribed amount of a liquid medication for oral administration or breaking a tablet for administration as instructed by the registered nurse or advanced practice registered nurse shall not be delegated to unlicensed assistive personnel.

7. The registered nurse or advanced practice registered nurse shall not delegate any responsibilities of delegating including but not limited to all provisions in LAC 46:XLVII.3709.C.

E. Training. In order for a registered nurse or advanced practice registered nurse to be authorized by the board to delegate medication administration under LAC 46:XLVII.3709, there must be documented, formal training performed by a registered nurse or advanced practice registered nurse of the unlicensed assistive personnel.

1. The formal training must include, at a minimum, didactic and demonstrated competency in:

- i. legal aspects of administering medication;
- ii. medical terminology;
- iii. proper documentation;
- iv. principles and rights of medication administration;
- v. administration techniques; and
- vi. patient consent.

F. Organizational Policy. Registered nurses or advanced practice registered nurses and facilities that allow for delegating medication administration to unlicensed assistive personnel are responsible for ensuring that there is an approved organizational policy in place that:

1. addresses and allows delegation of medication administration to unlicensed assistive personnel;
2. establishes and provides for formal processes for documenting and reporting medication errors as committed by the unlicensed assistive personnel. Such provisions must provide for remediation of the unlicensed assistive personnel, registered nurse or advanced practice registered nurse, and system as appropriate;
3. provides mechanisms for documenting in writing the training and ongoing competency of the unlicensed assistive personnel and ensures that the delegating registered

nurse or advanced practice registered nurse has access to such competence information;

4. provides for a formally documented, written annual review and re-assessment of competency of the unlicensed assistive personnel on no less than an annual basis and ensures that the delegating registered nurse or advanced practice registered nurse has access to such competence information;

5. provides for and recognizes that the decision to delegate tasks including delegation of medication administration in any specific situation is at the final discretion of the registered nurse or advanced practice registered nurse who is providing direct and immediate care to the patient;

6. provides for documentation and review of other pertinent procedures such as needle stick injuries, universal precautions, and infection control.

G. Limitations

1. All unlicensed assistive personnel who have been trained or otherwise recognized or authorized to administer medication in another jurisdiction or under the provisions of another code, rule, statute or other law body in Louisiana must meet the provisions of LAC 46:XLVII.3709 in order to administer medication in outpatient clinic settings through the delegation from registered nurses and advanced practice registered nurses.

H. Failure to abide by any provision of this Part may result in formal disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Nursing, LR 42:873 (June 2016).

Karen C. Lyon
Executive Director

1606#010

RULE

Department of Health and Hospitals Board of Nursing

Undergraduate and Graduate Nursing Education
Degree Programs (LAC 46:XLVII.Chapter 35 and 4509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) has amended Chapter 35 and Chapter 45. The Rule changes allow the Louisiana State Board of Nursing to combine Chapter 35, which focuses on undergraduate nursing programs, and Chapter 45, Section 4509, which focuses on graduate nursing programs. In addition, Chapter 35 has been revised to align with current national nursing trends and practices. Chapter 35 provides guidelines regarding the following for undergraduate and graduate nursing education programs: (1) program approval; (2) program closure; and (3) day-to-day operating requirements. These changes provide clarity to expectations of the Louisiana State Board of Nursing for in-state and out-of-state undergraduate and graduate nursing education programs.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 35. Undergraduate and Graduate Nursing Education Degree Programs

§3501. Duties of the Board Directly Related to Undergraduate and Graduate Nursing Education Degree Programs

A. The authority of the Board of Nursing relating to undergraduate and graduate nursing education degree programs is contained in R.S. 37:911 et seq., and as amended.

B. R.S. 37:918, duties and powers of the board, states that the board shall:

1. establish and publish minimum curriculum requirements and standards for individuals seeking to be licensed under this Part;

2. approve undergraduate and graduate nursing education degree programs whose graduates meet the licensing requirements of the board;

3. provide for hearings for undergraduate and graduate nurse education degree programs when approval is denied or withdrawn;

4. establish and publish standards of professional nursing practice and education in accordance with standards nationally accepted by the profession; and

5. adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:184 (April 1977), amended LR 10:1023 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 42:876 (June 2016).

§3503. Definitions

Accreditation—an external quality review process used in U.S. education and performed by peers to assure that postsecondary institutions and other education providers meet and maintain minimum standards of quality and integrity regarding academics, administration, structure, function, performance and related services. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality.

1. *Regional Accreditation*—accreditation by an agency recognized by the Council on Higher Education Accreditation and/or the U.S. Department of Education to ensure the quality and integrity of public and private, mainly non-profit, degree-granting, two- and four-year, institutions.

2. *National Nursing (Program) Accreditation*—accreditation by an agency recognized by the Council on Higher Education Accreditation and/or the U.S. Department of Education to ensure the quality and integrity of diploma, associate, baccalaureate, graduate, and residency programs in nursing.

Acknowledge—recognition of receipt of item by the board or board staff that does not require board approval.

Advanced Practice Nursing Role—the advanced practice role for which a graduate nursing education degree program prepares its graduates. The advanced practice role categories for licensure include certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP).

Approval—legal recognition indicating the undergraduate and/or graduate nursing education degree program(s) has met the legal standards established by the board.

Approved Program—an undergraduate and/or graduate nursing education degree program(s) approved by the board.

* * *

Clinical Facility, Major—a clinical facility utilized to provide more than half of the clinical experiences to more than half of the students enrolled in the undergraduate and/or graduate nursing education degree program(s).

Cohort—students in a group admitted simultaneously with the same expected graduation date.

Competency—an expected level of performance that results from an integration of knowledge, skills, abilities, and judgment. Knowledge encompasses the scope of practice, standards of practice, standards of professional performance, content from science and the humanities, practical experience and personal capabilities. Skills include psychomotor, communication, interpersonal, and diagnostic skills. Ability is the capacity to act effectively and requires listening, integrity, self-knowledge of strengths and weaknesses, positive self-regard, emotional intelligence, and openness to feedback. Judgment includes critical thinking, problem solving, ethical reasoning, and decision-making.

Cooperating Agency—Repealed.

Course—a distinct unit of instruction which has been organized for presentation with a specific time frame. This includes all related learning experiences deemed necessary by the faculty to meet the stated outcomes.

Curriculum—the planned studies and learning activities designed to lead to graduation and eligibility for registered nurse licensure and/or advanced practice registered nurse licensure.

Distance Education—instruction offered by any means where the student and faculty are in separate physical locations. Teaching methods may be synchronous or asynchronous and shall facilitate and evaluate learning in compliance with Board of Nursing approval status/regulations.

Distance Education Technology—the methods and technical support used to teach undergraduate and graduate students who may be physically distant from the faculty.

Faculty—

1. *Chief Nurse Administrator*—the registered nurse with a graduate degree in nursing with the authority and responsibility for the administration of the undergraduate and/or graduate nurse education degree program(s) and implementation of the curriculum. This title is used regardless of the person's official title in the parent institution.

2. *Nurse Faculty*—a doctorate or master's in nursing prepared registered nurse and/or advanced practice registered nurse with academic preparation and experience. Nurse faculty are underwritten contractual agreement with a parent institution for administration, teaching, research, service, or clinical education of students in programs

preparing candidates for registered nurse and/or advanced practice registered nurse licensure.

3. *Support Faculty*—an individual with academic preparations and experience in their respective professional discipline that provides services or teaches support courses.

4. *Graduate Assistant*—a registered nurse who serves in a support role at a university while completing graduate or post-graduate education. Graduate assistants are not faculty exceptions.

5. *Preceptor (Undergraduate)*—a baccalaureate prepared registered nurse with one year experience, who is employed in a clinical setting and serves as a role model, resource person, and clinical educator to enhance the learning experiences of a nursing student.

6. *Preceptor (Graduate)*—an advanced practice registered nurse, physician, or dentist, who provides guidance, serves as a role model, resource person, and clinical educator to enhance the learning experiences of an advanced practice nursing student.

7. *Joint Appointment*—a registered nurse employed by a clinical agency who holds at least the minimum qualifications of a nurse faculty member and who has predetermined responsibilities with both the educational institution and the clinical agency in the same time period. There shall be clearly defined schedules and financial agreements for both the educational program and the clinical agency.

Goals—general aims of the program that are consistent with the institutional and program missions.

Graduation Rate—percentage of a cohort of students who complete their program within 150 percent of the published time for the program.

Major Change in Curriculum—Repealed.

1. - 4. Repealed.

Major/Substantive Change in Approved Nursing Education Degree Program—a change in the current established approved nursing education degree program. Any one of the following shall be deemed to constitute a major/substantive change:

1. alteration, other than editorial, in program's mission/philosophy and outcomes (refer to §3511);

2. in legal status of the program (refer to §3513);

3. change in status with regulatory, governmental or institutional accreditation (refer to §3513);

4. reduction in resources impacting the sustainability of the undergraduate and/or graduate nurse education degree program(s) (refer to §3519);

5. reduction in faculty size exceeding 25 percent and in faculty exceptions exceeding 20 percent of full-time faculty employed in accordance with §3515;

6. addition or deletion of clinical role/population preparing advance practice registered nurses in an approved graduate nursing education degree program in accordance with §3507;

7. implementation of innovative strategies in undergraduate and/or graduate nursing education degree program(s) with a focus to include, but not limited to student enrollment, retention, and graduation rates; test previous models of nursing education and develop and test new models of nursing education;

8. addition or deletion of more than 10 percent of the semester credit hours from the undergraduate and/or graduate nurse education degree program(s) of studies;

9. in student enrollment, achievement completion rates, graduation rates, pass rates for the National Council licensure examination-registered nurse and certification; and/or

10. addition or deletion of a major clinical facility providing students' clinical experiences (refer to §3529).

Mission Statement—a statement of purpose defining the unique nature and scope of the parent institution or the nursing education degree program.

Nursing Education Degree Program—a program whose purpose is to prepare graduates eligible to apply to write the registered nurse licensing examination and/or certification and licensure as an advanced practice registered nurse.

1. ...

2. *Baccalaureate*—a program leading to a bachelor's degree in nursing conducted by an educational unit that is an integral part of a college or university.

3. ...

4. *Advanced Practice Registered Nurse (APRN)*—a graduate nursing education degree program that prepares an individual for certification and licensure in the roles of certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP) and awards master's degree, practice doctorate degree or post-master's certificate.

5. *Post-Master's Certificate*—a post-master's or post-doctoral nursing education program of study that awards a certificate of completion in the roles of certified nurse midwives (CNM), certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), and nurse practitioners (NP).

6. *Post-Graduate Residency*—a program that provides education and support necessary to develop the judgment, skill and knowledge for a successful transition from an undergraduate or graduate nursing education degree program into an entry level generalist or an advanced practice registered nurse professional role.

7. *Post-Graduate Fellowship*—an opportunity given to a professional registered or advanced practice registered nurse to build upon current practice through extension of knowledge, professional development, and leadership in clinical and research areas of interest.

8. *Practice Doctorate Degree*—a program conducted by an educational unit, department, division, college or school that is an integral part of a college or university, leading to a doctorate degree, which prepares experts in one of three practice arenas: health care, leadership, or teaching. In addition to preparing the experts in direct clinical practice, the program shall confer proficiency in the following areas:

a. leadership;

b. health care systems;

c. evidence-based practice and research utilization;

d. advocacy/policy and clinical teaching with patients, students, families, communities and professional colleagues.

Objectives—Repealed.

Outcomes—quantitative or qualitative student, faculty or program measures of achievement.

Parent Institution—the organization or agency responsible for the administration and operation of the undergraduate and graduate nurse education degree programs.

Pass Rate (Certification)—the percentage of graduates from a cohort of an advanced practice registered nurse education degree program successfully completing the certification examination on first attempt in a calendar year.

Pass Rate (RN Licensure)—the percentage of students from a cohort taking the National Council licensure examination—registered nurse (NCLEX-RN) and passing the test on the first attempt in a calendar year.

* * *

Preceptorship Experience—an individualized learning experience in which an undergraduate and/or graduate nursing student participates in clinical nursing practice while assigned to a preceptor.

Program Head—Repealed.

Program Length—the published amount of time to complete the undergraduate and graduate nurse education degree programs in a part-time or full-time enrollment status.

Recommendation—specific statement based upon program assessment as to the suggested course of action put forth by the Board of Nursing that should be implemented for compliance.

Requirement—a specific statement based upon program assessment as to the required course of action put forth by the Board of Nursing that shall be implemented for compliance.

Shall—denotes mandatory compliance in contrast to should or may which reflect possible variation.

* * *

Simulation—activities in classroom or clinical settings that mimic the reality of a clinical environment and are designed to demonstrate procedures, decision-making and critical thinking through techniques such as role-playing and the use of devices such as interactive videos or mannequins. A simulation may be very detailed and closely simulate reality, or it can be a grouping of components that are combined to provide some semblance of reality.

* * *

Student Nurse—an individual who is enrolled in an approved undergraduate or graduate nurse education degree program preparing for licensure as a registered nurse and/or preparing any licensed registered nurse for APRN licensure.

Survey—the collection of information by the board for its review in granting, continuing or denying approval of a nursing education degree program.

Systematic Plan for Evaluation—a written plan for systematic review and evaluation of an undergraduate and/or graduate nurse education degree program(s) used for continuous program improvement; involves the process of determining whether the various parts and the entire program are achieving the mission/philosophy, goals and outcomes.

Under the Guidance of an Approved Preceptor—guidance by a licensed APRN, physician, dentist, or person approved

by the board within the same or related practice role, population or specialty.

Year—a period of time consisting of 365 days or 366 in leap year, in a 12-month period.

1. *Calendar Year*—beginning on January 1 and ending on December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:913 and R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:184 (April 1977), amended LR 10:1023 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 17:1208 (December 1991), LR 24:1293 (July 1998), LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 42:876 (June 2016).

§3505. Approval of Undergraduate and Graduate Nursing Education Degree Programs

A. All undergraduate and graduate nursing education degree programs and clinical experiences in the state of Louisiana preparing persons for licensure, as a registered nurse and/or certification as an advanced practice registered nurse shall be approved by the board. The authority of the board is contained in R.S. 37:911 et seq., as amended.

B. Current status of the school's approval by the Louisiana State Board of Nursing must be reflected on the school's website, printed material and verbal communications with students and community.

1. - 3. Repealed.

C. Notwithstanding any other provisions of this Chapter, the board shall collect, in advance, fees for education services as follows:

1. initial program approval and site visit—\$500;
2. program site visit (requested or board mandated)—\$500;
3. out-of-state clinical approval—\$250;
4. school annual report fee—\$100.

D. On-site visits shall be made at the discretion of the board, or upon the request of the undergraduate and/or graduate nursing education degree program(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), repromulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 26:83 (January 2000), LR 28:1979 (September 2002), LR 42:878 (June 2016).

§3507. Purposes of Approval of Undergraduate and Graduate Nursing Education Degree Programs

A. To promote the safe practice of nursing by establishing standards for undergraduate and graduate nurse education degree programs preparing individuals seeking licensure as registered nurses and/or advanced practice registered nurses in Louisiana.

B. To grant legal recognition to undergraduate and graduate nursing education degree—programs, which upon survey and evaluation are determined by the board to have met the standards.

C. To assure graduates of undergraduate and graduate nursing education degree programs meet the educational and legal requirements for admission to licensing examinations

and to facilitate their endorsement to other states and countries.

D. To assure continuous evaluation and improvement of undergraduate and graduate nursing education degree programs preparing candidates for registered nurse and/or advanced practice registered nurse licensure.

E. To assure the public and prospective students that undergraduate and graduate nursing education degree programs approved by the board meet the standards established by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, repromulgated LR 24:1293 (July 1998), amended LR 42:878 (June 2016).

§3509. Types of Approval of Undergraduate and Graduate Nursing Education Degree Programs

A. Initial. Initial approval is granted to a new undergraduate and graduate nurse education degree program, which is determined by the board to be eligible to admit students to the nursing education degree program upon application by the parent institution and after survey and board evaluation (refer to §3533).

1. Initial approval shall not be continued for more than two consecutive one year periods following the undergraduate and graduate nurse education degree programs' eligibility to apply for full approval.

2. Repealed.

B. Full. Full approval is granted to an undergraduate and graduate nurse education degree program that meets all standards established by the board (refer to §3533, §3535).

C. Probation. An undergraduate or graduate nursing education degree program shall be placed on probation when the board has determined that it fails to meet one or more of the established standards.

1. Probation shall not be granted for more than three calendar years in any five calendar year period (refer to §3533).

2. An undergraduate and graduate nurse education degree program on probation for three calendar years in any five calendar year period shall not admit new students and shall initiate a phase-out of the program as outlined in §3531, §3533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 8:65 (February 1982), LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended LR 42:879 (June 2016).

§3511. Standards and Requirements for Undergraduate and Graduate Nursing Education Degree Programs: Mission/Philosophy and Goals

A. The undergraduate and graduate nursing education degree program shall have a clear statement of mission/philosophy, consistent with the mission of the parent institution and congruent with current concepts in nursing education.

B. The undergraduate and graduate nursing education degree program shall use an identified set of professional

standards congruent with the mission/philosophy and from which the goals are developed. The standards shall be consistent with the Legal Standards of Nursing Practice, LAC 46:XLVII.Chapter 39.

C. Expected competencies of the undergraduate and graduate nursing education degree program shall be clearly delineated.

D. Distance education is consistent with the mission and goals of undergraduate and graduate nursing education degree program and the parent institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1146 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 42:879 (June 2016).

§3513. Administration, Organization, Control of Undergraduate and Graduate Nursing Education Degree Programs

A. There shall be a governing body which has legal authority to conduct undergraduate and/or graduate nursing education degree program(s), determine general policy and provide financial support.

B. The undergraduate and graduate nursing education degree programs shall be in a regionally accredited college or university which offers an undergraduate degree with a major in nursing or a graduate degree with a concentration in the advanced practice registered nurse role and population as defined in R.S. 37:913(1).

C. The parent institution shall hold active regional accreditation from an accrediting body approved by the U.S. Department of Education.

D. The undergraduate and graduate nursing education degree programs shall be accredited by a national nursing accrediting body approved by the U.S. Department of Education.

1. An undergraduate and graduate nursing education degree program shall be accredited by a national nursing accrediting body within one year post-full approval.

2. An undergraduate and graduate nurse education degree program not accredited by a national nursing accrediting body within one year post-full approval may petition the board for a one year extension.

3. Following the one year extension, an undergraduate and graduate nurse education degree program failing to achieve national accreditation shall immediately cease admission of students and begin termination of the program (refer to §3531).

4. An undergraduate and graduate nurse education degree program that loses national nursing accreditation shall immediately be placed on probation with the Louisiana State Board of Nursing.

E. The parent institution shall have an organizational chart which delineates the lines of responsibility and authority.

F. The undergraduate and graduate nursing education degree programs shall notify the board in writing, immediately and provide written communication within five business days when there has been a change in the control of the institution, chief nurse administrator of the program, or

the accreditation status of the parent institution and/or the nursing education degree program (s).

1. - 3. Repealed.

G. The chief nurse administrator shall have the authority and responsibility to administer the undergraduate and/or graduate nursing education degree program(s) in respect to:

1. the instructional program;
2. budget planning and management; and
3. faculty, staff, and students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:186 (April 1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 42:879 (June 2016).

§3515. Faculty and Faculty Organization of Undergraduate and Graduate Nursing Education Degree Programs

A. Faculty Body. There shall be qualified faculty adequate in numbers to provide a safe, effective faculty/student/client ratio as defined in (§3533, §3543, §3545) and to implement the undergraduate and/or graduate nurse education degree program in nursing in relation to its stated mission, goals, and expected program outcomes.

B. Qualifications

1. The chief nurse administrator and each nurse faculty member shall hold an active license to practice as a registered nurse in Louisiana and shall be appointed in compliance with state and federal laws.

2. The chief nurse administrator of a baccalaureate program shall hold a minimum of a graduate degree in nursing, an earned doctorate, and shall have a minimum of three years' experience in the areas of nursing education and three years in clinical practice.

3. The chief nurse administrator of an associate degree or diploma program shall hold a minimum of a graduate degree in nursing and shall have a minimum of three years' experience in the areas of nursing education and three years in clinical practice.

4. The nurse faculty shall hold a graduate degree in nursing as follows.

a. The APRN faculty member shall hold a minimum of a graduate degree in nursing. APRN nursing faculty teaching advanced practice role and population content must be licensed in advanced practice in that advanced practice or related role and population.

b. Other credentialed providers may be utilized to provide content relevant to the advanced practice role and population in support courses.

c. The educational component of the APRN program shall be coordinated by a lead faculty member who is educated and nationally certified in the same role and population area and licensed as an APRN in the state of Louisiana.

5. ...

6. Nurse faculty shall be sufficient in number to accomplish the mission, goals and program outcomes.

7. Undergraduate nurse faculty shall maintain current knowledge and skills in areas of responsibility and provide documentation of same.

a. - b. Repealed.

8. APRN faculty must demonstrate competence in clinical practice and teaching, which includes continued national certification or continuing education requirements.

9. Exceptions to the academic qualifications for undergraduate nurse faculty shall be justified and approved under board established guidelines. The number of active faculty exceptions shall not exceed 20 percent of the number of full-time nurse faculty employed (not FTE) in the undergraduate nursing education degree program at any given time. Exceptions, if granted by the board shall be:

a. baccalaureate in nursing-prepared individuals who are not enrolled in a graduate program in nursing are limited to a maximum two calendar years after which they must be enrolled in a graduate nursing program; and

b. baccalaureate in nursing-prepared individuals who are enrolled in a graduate program in nursing at the master's and/or doctoral level shall be initially approved for two years in accordance with current board guidelines. Exceptions may be granted to each individual for a maximum of four years.

C. A faculty turn-over rate that exceeds 25 percent of the full-time nurse faculty employed (not FTE) at any given time by each undergraduate and/or graduate nursing education degree program(s) shall be reported to the board in writing within five business days and justified in the annual school report.

D. - E. ...

1. qualifications for the position; and

2. contract or letter of appointment to delineate terms of appointment, functions and responsibilities of the position.

3. Repealed.

F. ...

G. A nurse faculty organization shall be established consistent with the parent institution and shall have clearly delineated bylaws/governance documents.

H. ...

I. Nurse faculty shall select, teach, guide and evaluate all learning experiences in the classroom, labs, simulation, and clinical facilities.

J. Nurse faculty shall be within the clinical facility during the learning experiences of students unless the students are observing only or engaged in a community-based or a preceptorship experience (refer to §3543 and §3545).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:186 (April 1977), amended LR 10:1025 (December 1984), LR 12:678 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2789 (December 2000), repromulgated LR 27:851 (June 2001), amended LR 33:1123 (June 2007), LR 36:1245 (June 2010), LR 42:880 (June 2016).

§3517. Student Policies and Services: Undergraduate and Graduate Nursing Education Degree Programs

A. Admission standards for entry into the undergraduate and graduate nursing education degree programs shall be established and published and shall reflect ongoing involvement by appropriate faculty.

B. ...

C. Placement and advisement in the undergraduate and graduate nursing education degree programs, by examinations, previous education, or both, shall be consistent with the parent institution.

D. Progression, transfer, termination, dismissal and graduation policies shall be established and published and shall reflect ongoing involvement by the appropriate faculty.

E. Information on the approval and accreditation status of the undergraduate and graduate nursing education degree programs, policies on tuition/fees and financial assistance, health care and counseling services shall be in writing and published on the website.

F. Accurate information about the undergraduate and graduate nursing education degree programs, including current approval and accreditation status, shall be presented in recruitment and related activities.

G. Students shall be provided opportunity for input into the undergraduate and graduate nursing education degree programs.

H. Students' records shall be safeguarded and their confidentiality shall be maintained according to state and federal regulations.

I. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921, LAC 46:XLVII.3324, 3331 and 3403.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:187 (April 1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2790 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:880 (June 2016).

§3519. Facilities, Resources, Services for Undergraduate and Graduate Nursing Education Degree Programs

A. - C. ...

D. Storage space for safeguarding student and faculty records, for equipment and instructional materials shall be provided to meet the needs of the undergraduate and graduate nursing education degree programs.

E. ...

F. Administrative and support services shall be provided to meet the needs of the undergraduate and graduate nursing education degree programs.

G. Clinical facilities shall be available in sufficient numbers and variety to meet the needs of the undergraduate and graduate nursing education degree programs (refer to §3529).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:187 (April 1977), amended LR 10:1025 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1147 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2790 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:881 (June 2016).

§3521. Curriculum: Undergraduate and Graduate Nursing Education Degree Programs

A. The faculty shall periodically review, evaluate and revise as appropriate the mission/philosophy, and goals of the undergraduate and/or graduate nursing education degree program(s); the goals and program outcomes shall be consistent with the mission of the nursing education degree program and flow from the mission of the institution.

B. The mission/philosophy, goals and program outcomes shall be used by the faculty in planning, implementing and evaluating the total undergraduate and/or graduate nursing education degree program(s).

C. Graduate and Undergraduate Curriculum Content

1. Undergraduate Curriculum

a. Undergraduate curriculum shall include, but not be limited to, content from the behavioral, biological, mathematical, nursing and physical sciences.

b. Credit hours earned for clinical nursing courses shall be no less than three hours and no more than four hours of clinical contact hours per academic credit hour per semester.

c. Opportunities shall be provided for the application of the nursing process throughout the curriculum and in a variety of settings that includes care across the lifespan and population health.

d. Simulated laboratory experiences may also be utilized as a teaching strategy in classroom and clinical settings to meet outcomes and may be counted as either classroom or clinical hours for the purpose of calculating the hours in the curriculum.

e. Provision shall be made for learning experiences with clients having nursing care needs across the lifespan and stages of the health-illness continuum as appropriate to the role expectations of the graduate.

2. Graduate Curriculum

a. The curriculum shall include, but not be limited to separate courses in advanced pathophysiology, advanced pharmacology, advanced assessment and diagnostic reasoning, and management of health care status courses and shall evidence appropriate course sequencing.

b. The APRN role and population shall have supervised experiences in accordance with accreditation, certification, and education requirements and standards.

i. Specialty roles and populations that provide care to multiple age groups and care settings will require additional hours as distributed in a way that represents the populations served.

ii. Dual role and population APRN programs shall include and address content and clinical experiences for both roles and populations. Each role and population shall have documented clinical hours in accordance with certification agency requirements. The population foci of the dual roles and populations will determine the extent to which overlap may occur. Overlapping clinical hours between roles and populations must be documented and addressed as to the preparation for the two areas of practice.

c. Simulated laboratory experiences may also be utilized as a teaching strategy in classroom and clinical settings to meet outcomes and may be counted as either

classroom or clinical hours for the purpose of calculating the hours in the curriculum.

d. There shall be provisions for the recognition of prior learning and advanced placement in the curriculum for those individuals who hold a master's or practice doctorate (APRN) in nursing and are seeking to qualify for recognition in a different APRN role and population. Post-graduate nursing students must complete the requirements of a master's or practice doctorate (APRN) program through a formal graduate level certificate or master's or practice doctorate level APRN role and population in the desired functional role. Post-graduate students must master the same outcome criteria as master's or practice doctorate level students. Post-graduate APRN students shall have supervised experiences in the role and population in accordance with accreditation, certification, and education requirements and standards.

D. Undergraduate and graduate distant nursing education degree programs leading to licensure must meet the standards and requirements of Louisiana undergraduate and graduate education degree programs contained in LAC 46:XLVII.Chapter 35.

E. Undergraduate and graduate distance nursing education degree programs leading to licensure and utilizing Louisiana agencies must be approved by the board at a regularly scheduled meeting (refer to §3539).

F. Undergraduate and graduate student learning outcomes of the course and content shall reflect society's concern with the bioethical and legal parameters of health care and professional practice.

G. The undergraduate and graduate nursing courses shall provide for classroom and clinical laboratory instruction that shall be under the supervision of a faculty member of the nursing program.

1. The faculty to student ratio per clinical experience shall not exceed 1 to 10 (1:10) per clinical day for undergraduate clinical instruction unless the students are engaged in a board-approved preceptorship experience, which permits a maximum of 1 to 15 (1:15) faculty to undergraduate student ratio and 1 to 9 (1:9) faculty to APRN student ratio per clinical day.

2. Repealed.

H. ...

I. The undergraduate and graduate curriculum shall be arranged to provide opportunities for upward career mobility for students who have completed other nursing programs and have met appropriate requirements for licensure as follows.

1. Mechanisms for the recognition of prior learning and advanced placement in the undergraduate and graduate curriculum shall be in place.

2. Any formalized agreements between programs to facilitate the transfer of credit between undergraduate and graduate nursing education degree programs shall be identified and described.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1148 (September 1993), LR 24:1293 (July 1998), LR 26:2790

(December 2000), repromulgated LR 27:852 (June 2001), amended LR 42:881 (June 2016).

§3523. Major/Substantive Changes: Undergraduate and Graduate Nursing Education Degree Programs (Formerly §§3525 and 3537)

A. Undergraduate and/or graduate nursing education degree program(s) shall notify the board of major/substantive changes (refer to §3503).

1. - 9. Repealed.

B. The undergraduate and/or graduate nursing education degree program(s) shall submit to the board two paper copies and one electronic copy of the following:

1. alteration, other than editorial, in undergraduate and/or graduate nursing education degree program(s) mission/philosophy and outcomes as follows:

a. letter of intent with timeline for proposed change;

b. rationale for proposed change;

c. evidence of approval by institution and/or accreditation agencies;

d. concise presentation of current mission/philosophy, and outcomes to proposed change;

e. planned method for evaluation for proposed change;

f. discussion of potential impact of proposed change on current students;

g. copy of reports submitted to the accreditation agencies; and

h. copy of action by accreditation agencies;

2. change in legal status of the undergraduate and/or graduate nursing education degree program(s) as follows:

a. letter of notification with timeline for change;

b. discussion of potential impact of change of legal status on program and students;

c. copy of reports submitted to the accreditation agencies; and

d. copy of action by accreditation agencies;

3. change in status with regulatory, governmental or institutional accreditation on the undergraduate and/or graduate nursing education degree program(s) as follows:

a. letter of notification with timeline for change in regulation, government or institutional accreditation;

b. discussion of potential impact of change in regulation, governmental or institution accreditation on program and current students;

c. copy of reports submitted to the accreditation agencies; and

d. copy, if action by accreditation agencies;

4. reduction in resources impacting the sustainability of the undergraduate and/or graduate program(s) as follows:

a. letter of notification and identification of resources reduced;

b. discussion of potential impact of reduction of resources on sustainability of program and current students;

c. action plan to address impact of reduction in resources impacting sustainability of the program;

d. copy of reports submitted to the accreditation agencies; and

e. copy of action by accreditation agencies;

5. reduction in faculty size exceeding 25 percent and in faculty exceptions exceeding 20 percent of full-time faculty employed as follows:

- a. letter of notification of faculty turnover greater than 25 percent or faculty exceptions greater than 20 percent of full time faculty;
 - b. of contributing factors for excessive turn over and requirement for exceptions to faculty qualification;
 - c. discussion of potential impact on program and current students;
 - d. plan for improvement;
 - e. copy of reports submitted to the accreditation agencies; and
 - f. copy of action by accreditation agencies;
6. addition or deletion of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
- a. addition of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
 - i. letter of request for approval of addition of APRN role/population;
 - ii. copy of the mission/philosophy, goals and outcomes;
 - iii. curriculum course sequencing, lists all courses required within the program of study;
 - iv. course syllabus for the course/clinical experience(s) to be offered, which specifies the related outcomes of the offering;
 - v. current electronic copy of school catalog;
 - vi. evidence of meetings or communications with chief nurse administrators of approved Louisiana graduate nurse education degree programs;
 - vii. timeline for implementation of a clinical role/population preparing APRN's;
 - viii. copy of reports submitted to the accreditation agencies; and
 - ix. copy of action by accreditation agencies;
 - b. deletion of clinical role/population preparing APRNs in an approved graduate nursing education degree program as follows:
 - i. a letter of intent for deletion of APRN role/population;
 - ii. rationale for deletion of APRN role/population;
 - iii. timeline for phase out of APRN role/population;
 - iv. method of notification of student;
 - v. discussion of potential impact on nursing education degree program and current students;
 - vi. copy of reports submitted to the accreditation agencies; and
 - vii. copy of action by accreditation agencies;
7. implementation of innovative strategies in undergraduate and/or graduate nursing education degree program(s) with a focus to include but not limited to student enrollment, retention, and graduation rates; test previous models of nursing education and develop and test new models of nursing education as follows:
- a. pilot study of innovative strategy as follows:
 - i. letter of request to pilot innovative strategy;
 - ii. rational for planned innovative strategy;
 - iii. outline of plan for innovative strategies to include timeframe, goals, expected outcomes and method of evaluation;

- iv. discussion of potential impact on program and current students;
 - v. copy of reports submitted to the accreditation agencies; and
 - vi. copy of action by accreditation agencies;
- b. post-completion of pilot as follows:
- i. evaluation report of pilot;
 - ii. request for full implementation to include timeline and impact on program and current students; or
 - iii. notification of intent to not initiate and rationale;
8. addition or deletion of more than 10 percent of the semester credit hours from the undergraduate and/or graduate nursing education degree program(s) of studies as follows:
- a. letter of intent for proposed change in credit hours;
 - b. rationale proposed change in credit hours;
 - c. mission/philosophy, program goals and student learning outcomes;
 - d. course outcomes and course outlines;
 - e. concise presentation of current and proposed curriculum;
 - f. time table for implementation of the change in curriculum;
 - g. explanation of the anticipated effect on currently enrolled students; to include a phase out plan and transition to new curriculum;
 - h. planned method for evaluating the results of the change;
 - i. method of notification of current students affected by the changes;
 - j. copy of reports submitted to the accreditation agencies; and
 - k. copy of action by accreditation agencies;
9. change in student enrollment, achievement, completion rates, graduation rates, pass rates for NCLEX-RN and certification as follows:
- a. letter of notification of changes in student enrollment, achievement, completion rates, graduation rates, pass rates for NCLEX-RN and certification;
 - b. evaluation of contributing factors;
 - c. action plan for improvement to include timeline;
 - d. copy of reports submitted to the accreditation agencies; and
 - e. copy of action by accreditation agencies; and
10. addition or deletion of a major clinical facility providing students' clinical experiences in undergraduate and/or graduate nursing education degree program(s) as follows:
- a. letter of notification to include impact on the program;
 - b. action plan for additional clinical placement;
 - c. copy of reports submitted to the accreditation agencies; and
 - d. copy of action by accreditation agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), LR 10:1026 (December 1984), amended by the Department

of Health and Hospitals, Board of Nursing, LR 15:1081 (December 1989), LR 19:1148 (September 1993), LR 24:1293 (July 1998), LR 26:2790 (December 2000), re promulgated LR 27:852 (June 2001), amended LR 42:882 (June 2016).

**§3525. Continuous Quality Improvement:
Undergraduate and Graduate Nursing
Education Degree Programs
(Formerly §3523)**

A. The undergraduate and/or graduate nursing education degree program(s) has a systematic plan for continuous program improvement and assessment and documents the use of (evidence) in decision making for program development, improvement, and revision which includes the following but not be limited to:

1. mission/philosophy, program outcomes of the curriculum;
2. teaching/learning experiences;
3. expected competencies of the graduate;
4. student(s) evaluations of courses;
5. faculty evaluations of students;
6. performance of graduates on the National Council licensure examinations (NCLEX-RN) and/or appropriate graduate certifications;
7. follow-up studies of the graduate surveys;
8. employer satisfaction of the graduates; and
9. evaluation of faculty performance.

B. The continuous program improvement plan shall document that the curriculum prepares graduates to meet the standards for practice and licensure as a registered nurse and advanced practice registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:188 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 42:884 (June 2016).

**§3527. Records and Reports: Undergraduate and
Graduate Nursing Education Degree Programs**

A. The undergraduate and graduate nursing education degree programs and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with the retention policy of the institution.

1. Student Records
 - a. Each student's records include an application, terminal clinical evaluations from each course, and graduation forms, which are kept on file for a minimum of one year after graduation or three years after termination from the program if the student does not graduate.
 - b. The application and final transcript are kept on file permanently.
 - c. Graduate clinical transcripts shall be maintained permanently.
2. Faculty Records. Faculty records shall be on file in the nursing education degree program and/or in the parent institution and shall be in compliance with existing federal, state and institutional requirements.
3. Other records shall be kept on file and shall include:
 - a. a current program bulletin;
 - b. current budget and fiscal reports;
 - c. current contracts with clinical affiliations;
 - d. minutes from nurse faculty committee meetings;

- e. graduates' performance on NCLEX-RN;
- f. follow-up studies of the graduates; and
- g. program self-evaluation studies.

B. The nursing education degree program submits to the board the following reports:

1. annual report on the form provided by the board;
 2. interim reports on the form provided by the board;
 3. self-study report as provided to the accrediting body; and
 4. other reports as deemed necessary by the board.
- C. - D.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1148 (September 1993), re promulgated LR 24:1293 (July 1998), amended LR 42:884 (June 2016).

**§3529. Selection and Use of Clinical Facilities:
Undergraduate and Graduate Nursing
Education Degree Programs**

A. Hospitals used for clinical experiences shall be licensed by the state of Louisiana and certified by the appropriately designated agency for Medicare/Medicaid. In addition, hospitals and other health care agencies should be accredited or approved by a recognized accrediting or approving agency as appropriate.

B. Board approval shall be secured using the clinical facility survey form at a minimum four weeks prior to the time an agency is utilized for student clinical experience.

C. ...

D. Formal agreements between the undergraduate and/or graduate nursing education degree program(s) and the agency shall be in writing, shall state rights and responsibilities of each party to include liability insurance coverage, shall contain a termination clause and shall be reviewed according to institution policy.

E. ...

1. a written mission which gives direction to nursing care;
2. registered nurses to insure the safe care of patients and to serve as role models for students;
3. a sufficient number of patients/clients to provide learning experiences to meet the objectives of courses' student learning outcomes;
4. - 7. ...
8. available evidence of nursing quality improvement programs;
9. ...
10. a planned orientation program for faculty and students;
11. means of communication between faculty and agency administrative personnel and between faculty of all undergraduate and graduate nursing education degree programs that use the agency;
12. evidence that the agency's personnel understand their relationship between faculty and students and that the responsibility for coordination is specifically identified; and
13. designated areas on, or in close proximity to clinical learning sites for faculty/student interactions.

F. The chief nurse administrator shall notify the board in writing when a clinical agency being used for students'

clinical practice loses accreditation or approval status; loss of accreditation/approval shall mandate that students will not utilize the clinical agency for clinical experiences.

G. Advanced practice registered nursing students shall perform advanced practice nursing functions under the guidance of a qualified instructor or preceptor (as defined in LAC 46:XLVII.4505) as part of their program of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:189 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing LR 15:1080 (December 1989), LR 16:133 (February 1990), LR 19:1149 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 32:1240 (July 2006), LR 42:884 (June 2016).

§3531. Procedure for Terminating Undergraduate and Graduate Nursing Education Degree Programs

A. Voluntary Termination

1. The board shall be notified when a decision has been made to close an undergraduate and/or graduate nursing education degree program(s).

2. The undergraduate and/or graduate nursing education degree program(s) shall provide a written plan of termination to include evidence that all of the board's standards shall be maintained until all students have transferred to another program or have graduated. A plan to phase out the existing nursing program shall include:

- a. a dateline for final admission of students to the existing program;
- b. a plan for the normal progression of students in the existing program;
- c. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and
- d. the projected date of graduation for the final class of the existing program.

3. All students shall have assistance with transfers to the new nursing program or to another program of choice. A list of the names of these students shall be submitted to the board.

4. The board shall be notified of the arrangements for safe storage of the permanent records of the undergraduate and/or graduate nursing education degree program(s) and its students' records.

a. - d. Repealed.

5. The following records shall be retained:

- a. student's application to the program;
- b. student's financial academic transcripts;
- c. graduate clinical transcript;
- d. each curriculum plan offered; and
- e. a list of each graduating class and date of graduation.

B. Involuntary Termination

1. Involuntary termination occurs when the board has determined that the undergraduate and/or graduate nursing education degree program(s) has not met one or more standards and the program shall be required to initiate termination.

2. The undergraduate and/or graduate nursing education degree program(s) shall provide a written plan of

termination to include evidence that all of the board's standards shall be maintained until all students have transferred to another program or have graduated. A plan to phase out the existing nursing program shall include:

- a. documentation of final admission date of students in the existing program;
- b. a plan for the progression of students during phase out of the existing program;
- c. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and
- d. the projected date of graduation for the final class of the existing program.

3. All students shall have assistance with transfers to the new nursing program or to another program of choice. A list of the names of these students shall be submitted to the board.

4. The board shall be notified of the arrangements for safe storage of the permanent records of the undergraduate and/or graduate nursing education degree program(s) and its students' records.

5. The following records shall be retained:

- a. student's application to the program;
- b. student's final academic transcripts;
- c. graduate clinical transcript;
- d. each curriculum plan offered; and
- e. a list of each graduating class and date of graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), repromulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 42:885 (June 2016).

§3533. Procedure for Establishing a New Undergraduate or Graduate Education Degree Program

A. Step I: Letter of Intent and Feasibility Study

1. A written notice of intent to establish a new undergraduate and/or graduate nursing education degree program(s) stating the purpose and type of program must be submitted to the board in two paper copies and one electronic copy as follows:

- a. notice of intent shall include:
 - i. documented evidence of approval from the parent institution and the appropriate governing board to award the appropriate degree and a copy of the current bulletin or catalog;
 - ii. documentation of approval from Board of Regents for state and proprietary schools; and
 - iii. documentation of regional accreditation;
- b. report of a feasibility study documenting a need for the program. The study shall include evidence of:
 - i. nurse manpower studies which validate need for the program as it relates to total state resources and nursing education in the state;
 - ii. documentation of communication with Louisiana nursing education degree programs on a form provided by the board regarding the potential impact on other undergraduate nursing education degree programs within a geographical area of 100 miles or the impact on other graduate nursing programs within the state;

- iii. availability of qualified nurse faculty and support faculty;
 - iv. adequate academic and clinical facilities to meet the needs of the program;
 - v. adequate financial resources for planning, implementing and continuing the program;
 - vi. commitment of administration to support the program;
 - vii. community support;
 - viii. a proposed time schedule for initiating and expanding the program; and
 - ix. an available pool of potential students.
- c. - c.viii. Repealed.

2. ...

- a. supplementary information is needed; or
- b. the notice of intent and feasibility study to establish a new program is accepted and the parent institution may continue with the plan to establish the program; however, public announcements and preadmission of students shall not occur prior to the receipt of initial board approval after step II; or
- c. the letter of intent is not accepted, the reasons thereof, and all planning must cease.
- d. Repealed.

B. Step II: Initial Approval of the Undergraduate and/or Graduate Nursing Education Degree Program(s)

1. If step I is accepted and if the parent institution is allowed by the board to proceed with the development of the program, a qualified chief nurse administrator shall be employed a minimum of 12 months prior to the admission of the first class of students.

2. The chief nurse administrator shall have the authority and responsibility to develop:

- a. - b. ...
- c. bylaws;
- d. - f. ...
- g. a plan for the use of clinical and cooperating agencies and clinical preceptors;
- h. a sample contractual/affiliation agreement with clinical and cooperating agencies and clinical preceptors; and
- i. ...

3. The chief nurse administrator shall have previous teaching experience in a registered nursing education degree program.

a. - c. Repealed.

4. The chief nurse administrator shall appoint a sufficient number of full-time nurse faculty with a minimum of two years clinical nursing practice at least six months prior to admission of students.

5. Nursing faculty with previous teaching experience in a nursing education degree program of the same academic level as the proposed program and experience in curriculum design are preferred.

a. - h. Repealed.

6. The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

- a. mission/philosophy, goals; program and student learning outcomes;
- b. a curriculum plan;
- c. course outcomes;
- d. course outlines;

- e. evaluation plan and methods;
- f. admission, progression and graduation criteria;
- g. policies for protecting students' rights, their safety and welfare, and for academic guidance and advising; and
- h. plan for utilization of clinical facilities, cooperating agencies and clinical preceptors.

7. Upon completion of this phase of the development of the proposed undergraduate and/or graduate nursing education degree program(s), the chief nurse administrator shall request that the board staff conduct initial site visit.

8. Report on site visit will be presented to the board by board staff representative at a regularly scheduled board meeting for initial approval. Based on its review, the board shall give written notification to the parent institution that:

- a. supplementary information is needed; or
- b. initial approval is granted; or
- c. initial approval is denied.

9. After initial approval is granted, public announcements may be issued and students may be admitted to the undergraduate and/or graduate nursing education degree program(s).

10. Initial approval shall not be continued for more than two consecutive one-year periods following the undergraduate and/or graduate nursing education degree program(s)' eligibility to apply for full approval.

11. An undergraduate and/or graduate nursing education degree program(s) remaining ineligible for full approval after two consecutive one-year periods following the nursing program's eligibility to apply for full approval, shall not admit new students and shall initiate a phase-out of the program in accordance with §3531.

C. Step III: Full Approval of Undergraduate and/or Graduate Nursing Education Degree Program(s)

1. Full approval shall be requested after members of the first class of graduates write and receive the results of the first licensing or certification examination. Additionally, an on-site visit is required and upon presentation of evidence that standards of the board have been met, full approval may be granted to the program. Undergraduate and/or graduate nursing education degree program(s) shall achieve national nursing accreditation within one year of being granted full approval.

a. A program not accredited by a national nursing accrediting body within one year post-full approval may petition the board for a one-year extension.

b. Following the one-year extension, a program failing to achieve national accreditation shall immediately cease admission of students and begin termination.

c. A program that loses national nursing accreditation shall immediately be placed on probation.

C.2. - E.3.b.iv. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 38:2549 (October 2012), LR 42:885 (June 2016).

§3534. Procedure for Restructuring an Existing Program into/within Higher Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 16:690 (August 1990), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:887 (June 2016).

§3535. Procedure of Continuing Full Approval: Undergraduate and Graduate Nursing Education Degree Programs

A. Undergraduate and/or graduate nursing education degree program(s) must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.Chapter 35.

B. The undergraduate nursing education degree program shall have a pass rate of 80 percent or greater achieved by the candidates taking the licensure examination for the first time in any one January to December calendar year, or the program shall be placed on probation.

1. - 3. Repealed.

C. Undergraduate and/or graduate nursing education degree program(s) holding full approval for a minimum of five consecutive calendar years and full national accreditation recognized by the board shall inform board of impending accreditation site visit six months prior to visit.

1. The board shall agree to accept national accreditation reports and not perform site visits unless there is a complaint, a sanction, or evidence that the institution is in violation of standards.

2. The board shall perform site visits if there is a complaint, a sanction, or evidence that the institution is in violation of standards. The undergraduate and/or graduate nursing education degree program(s) may request to have on-site visits coordinated with national accreditation visits. Following receipt of the official request by the program, the date of initiation of this process for the program shall be determined by the board.

a. An on-site visit shall be conducted by an authorized staff representative of the board during or within six months following the national accreditation visit.

b. To meet the self-study requirements, the national self-study report and the addendum required by the board shall be submitted to the board at least 21 days prior to the scheduled on-site visit regardless of board participation.

c. A copy of any national accreditation correspondence concerning accreditation and interim reports shall be forwarded to the board within two weeks of receipt.

D. A written report of the on-site visit is sent to the administrative officer of the parent institution, to the chief nurse administrator, and to all board members.

E. The chief nurse administrator may submit a response to the board staff regarding the report of the on-site visit and also be present when the board reviews and acts upon the report.

F. Action relevant to the approval status of the undergraduate and/or graduate nursing education degree program(s) is taken by the board after an evaluation of:

1. the on-site survey self-study documents; or
2. - 3. ...

G. The board shall provide for an evaluation and hearing to determine if a program has met or has failed to meet the standards and requirements by executing the following actions:

1. giving written notice that the standards have been met and continues full approval or restores approval; or

2. giving written notice of specified deficiency(ies) and placing the program on probation.

H. An undergraduate and/or graduate nursing education degree program(s) has the right at any time to present evidence to the board that the deficiency(ies) has/have been corrected and may petition the board to restore full approval to the program.

I. No later than 12 months from the date the undergraduate and/or graduate nursing education degree program(s) was placed on probation, the program shall submit a written report to the board with evidence that the standard(s) has/have been met, and may petition the board to restore full approval.

J. If a deficiency(ies) cannot be corrected in 12 months, the undergraduate and/or graduate nursing education degree program(s) shall file a plan for meeting the standard(s) and may petition the board to continue the probationary status.

K. Probationary status is not granted to an undergraduate and/or graduate nursing education degree program(s) for more than three calendar year periods in any five calendar year period.

L. At any time during the probationary period, the board may determine that the undergraduate and/or graduate nursing education degree program(s) must cease admission of students and begin involuntary termination.

M. Failure to meet standards after graduation of all enrolled students will result in involuntary termination of the undergraduate and/or graduate nursing education degree program(s) (refer to §3531).

N. The right to appeal the board's decision is afforded any undergraduate and/or graduate nursing education degree program(s) in accordance with R.S. 37:918 and the Administrative Procedure Act, R.S. 49:965, appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1149 (September 1993), LR 24:1293 (July 1998), LR 42:887 (June 2016).

§3536. Approval for Nursing Education Programs whose Administrative Control is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), amended LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:887 (June 2016).

§3537. Procedure for Restructuring an Existing Undergraduate or Graduate Nursing Education Degree Program into/within Higher Education (Formerly §3534)

A. Phasing-out an Existing Nursing Program (refer to §3531)

1. Notification of intent for restructuring an existing undergraduate and/or graduate nursing education degree program(s). A letter of intent shall be submitted to the board to phase out an existing undergraduate and/or graduate nursing education degree program and phase in a new nursing program not less than one year prior to the planned implementation date. Two copies of the letter are to be submitted.

2. Termination of an Existing Undergraduate and/or Graduate Nursing Education Degree Program(s)

a. A plan shall be submitted to the board to phase out the existing undergraduate and/or graduate nursing education degree program(s) to include:

i. a dateline for final admission of students to the existing program;

ii. a plan for the normal progression of students in the existing program;

iii. a contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc.); and

iv. the projected date of graduation for the final class of the existing program.

b. All board's standards shall be maintained by the existing undergraduate and/or graduate nursing education degree program(s) until all students have transferred to another program or graduated.

c. All students shall have assistance with transfers to the new nursing programs or to another program of choice. A list of the names of these students shall be submitted to the board.

d. The undergraduate and/or graduate nursing education degree program(s) and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with retention policy of the institution.

e. The following records of the existing undergraduate and/or graduate nursing education degree program(s) shall be retained:

i. students' applications to the program (when applicable);

ii. students' final academic transcripts;

iii. graduate clinical transcripts;

iv. all curricula plans offered, including catalog course descriptions; and

v. rosters of all graduation classes and dates of graduations.

f. The board shall be notified of the arrangements for the administrative control and safe storage of the permanent program and student records.

B. Phasing-in a new nursing program (refer to §3533).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 16:690 (August 1990), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:888 (June 2016).

§3539. Procedure for Approval for Undergraduate and Graduate Nursing Education Degree Programs whose Administrative Control is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana (Formerly §3536)

A. Program of Studies. To receive approval by the board for a total undergraduate and/or graduate nursing education degree program(s) of study by undergraduate and graduate nursing education degree programs with physical presence in Louisiana, but whose administrative control is located in another state, the following criteria shall be met.

1. New programs must follow the procedure to establish new programs as specified in §3533.

2. Programs must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.Chapter 35. Upon full approval, the program will be reviewed under the requirements for continued approval, as specified in §3535.

B. Course/Clinical Offerings. Out-of-state undergraduate and/or graduate nursing education degree program(s) offering courses/clinical experiences in Louisiana are expected to maintain the standards required of Louisiana-based programs. The board reserves the right to withdraw the approval of such offerings if adherence to these standards is not maintained. To receive approval by the Board of Nursing for course/clinical offerings in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

1. **Approval/Accreditation Requirements.** The following evidence of approval/accreditation of the undergraduate and/or graduate nursing education degree program(s) shall be submitted to the board as stipulated.

a. The nursing program sponsoring the offering shall hold current approval by the Board of Nursing and/or other appropriate approval bodies in the state in which the parent institution is located.

b. Regional accreditation shall be held by the parent institution.

c. National nursing accreditation recognized by the board is required.

d. The nursing program sponsoring the course/clinical offering must provide the Board of Nursing with the following materials for review at least six months prior to the scheduled initiation of the offering:

i. a letter of request for approval to provide the course/clinical offering, which indicates the time-frame during which the offering will be conducted and the clinical agency(ies)/the clinical unit(s) will be utilized;

ii. a copy of the mission/philosophy, goals and outcomes;

iii. a curriculum course sequencing, which lists all courses by semester/quarter required within the program of study;

iv. a course syllabus for the course/clinical experience(s) to be offered, which specifies the related outcomes of the offering; and

v. a current electronic copy of school catalog.

e. Request for preceptorship learning experiences shall include evidence of compliance with §3543.

2. Coordination with other undergraduate and/or graduate nursing education degree program(s) as follows:

a. evidence of meetings or communications with representatives of the clinical agency and the out-of-state nursing program;

b. evidence of meetings or communications with program heads of approved Louisiana undergraduate and/or graduate nursing education degree program(s);

c. meetings or communications of respective representatives from undergraduate and/or graduate nursing education degree program(s) and clinical agency shall occur minimally on an annual basis, or on a semester basis as deemed necessary by any involved party; and

d. a "clinical facility survey" form shall be submitted by the undergraduate and/or graduate nursing education degree program(s).

3. Students

a. All students shall be in good academic standing in the undergraduate and/or graduate nursing education degree program(s).

b. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921 and LAC 46:XLVII.3331 and 3403.

c. Undergraduate performance on the licensure examination (NCLEX-RN) shall be maintained at an 80 percent or higher pass rate for each January through December calendar year. Upon initial request for approval, NCLEX-RN performance by undergraduates for the past two calendar years shall be submitted to the board.

d. Graduate performance on certification examination for the past two calendar years shall be submitted to the board for each role and population requesting approval.

4. Faculty

a. A "faculty qualification" form provided by the board shall be submitted for each faculty member providing instruction within the state of Louisiana.

b. Each faculty member shall hold a current license to practice as a registered nurse and/or advanced practice registered nurse in Louisiana.

c. Each faculty member shall hold a graduate degree in nursing and a minimum of two years of nursing practice in a clinical setting.

d. Clinical faculty shall be present for student supervision while students are assigned to clinical areas unless the students are engaged in a board-approved preceptorship experience.

e. Clinical faculty for undergraduate and graduate precepted clinical experiences are expected to confer with the preceptor and student at least weekly and visit the site at least once in a semester/quarter.

f. The faculty to student ratio per clinical experience shall not exceed 1 to 10 (1:10) per clinical day for undergraduate clinical instruction unless the students are engaged in a board-approved preceptorship experience which permits a maximum of 1 to 15 (1:15) faculty to undergraduate student ratio per clinical day and 1 to 9 (1:9) faculty to APRN student ratio per clinical day.

5. Approval

a. Course/clinical offerings by out-of-state nursing programs may be approved for a period of three years, at which time program representatives may petition for renewal of approval for each additional three-year period.

b. Request for out-of-state clinical re-approval form, which provides updated and current data relevant to the undergraduate and/or graduate nursing education degree program(s) program, shall be submitted as a component of the petition for renewal as specified in §3539.B.1-5.

c. Failure to comply with the requirements established by the board shall result in the immediate withdrawal of the board's approval of course/clinical offerings.

6. Post-Approval

a. A copy of the executed contractual agreement between the academic institution and the clinical facility/agency shall be maintained by the institution.

b. Undergraduate student approval application shall be submitted 60 days prior to the date of enrollment in the clinical nursing course.

c. Graduate student clinical experience spreadsheet provided by the board shall be submitted within two weeks of initiation of experience.

d. Faculty qualification forms must be submitted to the board within two weeks of hire.

e. The undergraduate and/or graduate nursing education degree program(s) shall keep the board informed of any changes to approval and accreditation status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), amended LR 23:962 (August 1997), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:888 (June 2016).

§3541. Procedure for Submitting Required Reports and Compliance Forms by Undergraduate and Graduate Nursing Education Degree Programs (Formerly §3539)

A. Annual Report. The undergraduate and/or graduate nursing education degree program(s) shall submit two paper copies and one electronic copy of an annual report, on a form provided by the board, on the designated date, accompanied by one electronic copy of the current school catalog.

B. Compliance Forms

1. Undergraduate and/or graduate nursing education degree program(s) shall submit a faculty qualification form within two weeks of the time each new faculty member is employed.

2. Undergraduate and/or graduate nursing education degree program(s) requesting approval of new clinical facilities needed for students' clinical practice areas shall submit a clinical facility survey form and shall be secured in accord with §3529 prior to the time students are assigned to the new facility.

3. Any undergraduate and/or graduate nursing education degree program(s) required to submit a regional or a national nursing accreditation interim report shall submit a copy of the report to the board.

C. Self-Study

1. A self-study shall be submitted to the board 21 days prior to the scheduled on-site visit of the undergraduate and/or graduate nursing education degree program(s).

2. The national accreditation self-study report and the addendum required by the board may be submitted to meet the self-study requirements of the board (refer to §3535).

D. Students

1. The undergraduate student approval application shall be submitted 60 days prior to the date of enrollment in the first clinical nursing course (refer to §3324).

2. The graduate student clinical experience spreadsheet provided by the board shall be submitted within two weeks of initiation of experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1150 (September 1993), LR 21:803 (August 1995), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:889 (June 2016).

§3542. Community-Based Learning Experiences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21:803 (August 1995), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), repealed LR 42:890 (June 2016).

§3543. Preceptorship Learning Experiences (Formerly §3541)

A. Nurse faculty shall retain the responsibility for selecting and guiding all undergraduate and/or graduate student learning experiences and the evaluation of student performances with input from preceptors.

B. Preceptors shall be selected according to written criteria jointly developed by faculty and nursing administration in the clinical facility, and in accordance with guidelines established by the board.

C. A faculty member shall be available to preceptors while students are involved in a preceptorship experience.

D. The faculty member shall confer with each preceptor and student at least weekly during the precepted experience.

E. Preceptor Learning Experiences

1. Undergraduate

a. Preceptor experiences for undergraduate students shall only occur during the last two academic semesters of a baccalaureate degree program and during one of the last two semesters of a diploma or associate degree program.

b. The total preceptorship experience for undergraduate students shall be limited to a maximum of 25 percent of the total clinical weeks in the program of study.

2. Graduate

a. The APRN role and population shall have supervised experiences in accordance with accreditation, certification, and education requirements and standards.

b. Faculty are responsible for all advanced practice registered nurse students in the clinical area whether supervision is direct or indirect.

i. Direct supervision occurs when advanced practice registered nurse program faculty function as on-site clinical preceptors.

ii. Indirect supervision has three components:

(a) to supplement the clinical preceptor's teaching;

(b) to act as a liaison to a community agency; and

(c) to evaluate the student's progress.

F. Preceptor Ratios

1. Undergraduate

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty to 15 undergraduate students (1:15) for the preceptorship experience.

b. There shall be one preceptor for each student.

2. Graduate

a. The graduate nursing education degree program shall maintain a ratio of not more than 1 faculty to 9 APRN students (1:9) for the preceptorship experience.

b. A preceptor shall not supervise more than two graduate APRN students during any given clinical experience.

G. Preceptor Qualifications

1. All preceptors must have an active unencumbered RN and/or APRN Louisiana license.

2. Undergraduate

a. The preceptor shall have at least a minimum of one year as a RN in the clinical area in which the preceptorship experience occurs.

b. Preceptors shall hold a minimum of a baccalaureate degree in nursing.

c. An individual RN, who does not possess a BSN, may be utilized as a preceptor provided that the RN has had no less than three years' experience as an RN with a minimum of one year in the clinical area in which the experience occurs and has the requisite skills to guide the student to meet the desired course outcomes for the specific clinical experiences.

3. Graduate

a. The majority of clinical experiences shall be under a preceptor with an active unencumbered APRN license and certification in the population focused area of practice of primary and/or acute care as appropriate.

b. A mix of clinicians may be used to provide direct clinical teaching to students appropriate to the range of clinical experiences required to meet the program outcomes and enhance their inter-professional experiences.

c. The majority of the clinical experiences must occur with preceptors from the same population focused area in primary and/or acute care as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 17:1207 (December 1991), LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:890 (June 2016).

§3545. Undergraduate Community-Based Learning Experiences (Formerly §3542)

A. "Community-based experiences" involve the community as a whole, exclusive of acute care facilities, with nursing care of individuals, families, and groups being provided within the context of promoting and preserving the health of the community.

B. Non-health-care related agencies utilized for community-based learning experiences for students must have an identifiable sponsoring agency with a clearly defined purpose(s).

C. Nurse faculty shall retain the responsibility for the selection and guidance of student community-based learning experiences and for the evaluation of student performance.

D. Community-Based Agency Experience Supervision

1. Direct Faculty Supervision

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty member to 10 students (1:10).

b. Students may participate in invasive or complex nursing activities in a community setting with the direct supervision of a faculty member.

2. Preceptorship

a. The undergraduate nursing education degree program shall maintain a ratio of not more than 1 faculty member to 15 students (1:15) for the preceptorship experience.

b. A preceptor shall not be allowed to supervise more than three students at one time in any given community clinical site.

c. Students may participate in invasive or complex nursing activities in a community setting with the direct supervision of an approved RN preceptor.

d. A faculty member shall be available for preceptors while students are involved in a preceptorship experience. The faculty member shall confer with each preceptor and student(s) at least weekly during said learning experience.

e. Preceptors shall be selected according to written criteria jointly developed by faculty and nursing administration in the clinical facility, and in accordance with guidelines established by the board.

3. Community Agency Supervision

a. There shall be qualified faculty available to provide a safe, effective faculty/student/client ratio not to exceed 1 faculty member to 15 students (1:15).

b. Students, under the overall direction of a faculty member, may participate in noninvasive or noncomplex nursing activities in structured community nursing settings where RN's are present (e.g., out-patient clinics). Students shall have the skills appropriate to the experiences planned.

c. Students, under the verbal direction of a faculty member, may participate in basic care activities, such as, assessment of vital signs and collection of data. They also may assist with activities of daily living in community settings where a registered nurse is not present. Students shall have the skills appropriate to the experiences planned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21:803 (August 1995), amended LR 24:1293 (July 1998), LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 42:890 (June 2016).

§3547. Undergraduate and Graduate Nursing Education Degree Programs not Leading to Additional Licensure or APRN Certification

A. Undergraduate and/or graduate nursing education degree programs not leading to licensure and/or an

additional APRN certification do not require approval by the board.

B. Non-licensure undergraduate and/or graduate nursing education degree program(s) offering courses/clinical experiences in Louisiana are expected to maintain the following standards required of approved programs:

1. approval of program from parent institution;

2. national nursing accreditation;

3. approval from Louisiana Board of Regents;

4. faculty and preceptors supervising post-licensure students in Louisiana clinical agencies must have active unencumbered Louisiana licensure;

5. post-licensure students in Louisiana clinical agencies must have active, unencumbered Louisiana registered nurse licensure; and

6. adherence to Louisiana nursing education articulation model is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 42:891 (June 2016).

Chapter 45. Advanced Practice Registered Nurses §4509. Educational Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:726 (May 2001), amended LR 31:2017 (August 2005), repealed LR 42:891 (June 2016).

Karen C. Lyon
Executive Director

1606#011

RULE

**Department of Health
Board of Pharmacy**

Compounding for Office Use for Veterinarians
(LAC 46:LIII.2535)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has amended §2535 of Chapter 25, Prescriptions, Drugs, and Devices, of its rules, to allow pharmacies to compound medications for office use, but only for veterinarians.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

**Chapter 25. Prescriptions, Drugs, and Devices
Subchapter C. Compounding of Drugs**

§2535. General Standards

A. Compounding Practices. Compounded medications may be prepared using prescription medications, over-the-counter medications, chemicals, compounds, or other components.

1. ...

2. All compounding shall be accomplished utilizing accepted pharmacy techniques, practices, and equipment, as

well as the Federal Food, Drug and Cosmetic Act of 1938 as subsequently amended, most recently in November 2013 (FDCA), the 2016 edition of title 21 of the *Code of Federal Regulations* (CFR), and all relevant chapters of the 2014 edition of the *United States Pharmacopeia-National Formulary* (USP 37-NF 32).

A.2.a. - D. ...

E. Veterinarian-Administered Compounds, also referred to as Pharmacy-Generated Drugs

1. Upon receipt of a valid non-patient-specific medical order from a licensed veterinarian, the pharmacy may compound a preparation intended for administration to an animal patient by the veterinarian.

2. These preparations may not be distributed to any other third party by the pharmacy, nor may these preparations be further re-sold or distributed by the veterinarian ordering the preparation from the pharmacy.

3. This authorization is primarily intended to facilitate the preparation of medications needed for emergency use in a veterinary office practice. Given the limited application of this authorization, which allows these products to be prepared using less rigorous standards applicable to compounding as opposed to the more rigorous standards applicable to manufacturing processes, the compounding pharmacy preparing these products shall be limited in the amount of such products they can prepare.

a. No Louisiana-licensed pharmacy may distribute any amount of practitioner-administered compounds in excess of 5 percent of the total amount of drug products dispensed and/or distributed from their pharmacy.

b. The 5 percent limitation shall be calculated on a monthly basis and shall reference the number of dosage units.

c. For those Louisiana-licensed pharmacies located outside Louisiana, the total amount distributed and/or dispensed shall reference the pharmacy's total business within the state of Louisiana.

4. The provisions of this Subsection E notwithstanding, pharmacists intending to engage in the compounding of veterinary preparations pursuant to non-patient-specific medical orders from veterinarians should be aware that federal law or rule may not permit such activity by a licensed pharmacy, and further, such pharmacists should be aware that the board's rules cannot legitimize an activity that is not permitted under federal law or rule, and further, such pharmacists should be aware that while this activity is permitted by the board, pharmacists engaging in this activity remain subject to the full force and effect of federal law enforcement.

F. Compounding Commercial Products not Available. A pharmacy may prepare a copy of a commercial product when that product is not available as evidenced by either of the following:

1. products appearing on a website maintained by the American Society of Health-System Pharmacists (ASHP);

2. products temporarily unavailable from manufacturers, as documented by invoice or other communication from the distributor or manufacturer.

G. Labeling of Compounded Preparations

1. For patient-specific compounded preparations, the labeling requirements of R.S. 37:1225, or its successor, as well as §2527 of this Chapter, or its successor shall apply.

2. For veterinarian administered compounds, the label shall contain, at a minimum, the following data elements:

a. pharmacy's name, address, and telephone number;

b. veterinarian's name;

c. name of preparation;

d. strength and concentration;

e. lot number;

f. beyond use date;

g. special storage requirements, if applicable;

h. identification number assigned by the pharmacy;

and

i. name or initials of pharmacist responsible for final check of the preparation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1316 (October 1997), amended LR 29:2105 (October 2003), effective January 1, 2004, LR 41:97 (January 2015), amended by the Department of Health, Board of Pharmacy, LR 42:891 (June 2016).

Malcolm J. Broussard
Executive Director

1606#039

RULE

Department of Health and Hospitals Bureau of Health Services Financing

Administrative Procedures
Tribal Consultation Process
(LAC 50:I.105)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:I.105 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 1. Administrative Procedures

§105. Tribal Consultation Process

A. Pursuant to §1902(a)(73) and §2107(e)(I) of the Social Security Act, the Medicaid Program hereby establishes a process to seek advice on a regular, ongoing basis from designees of the state's federally-recognized Indian tribal organizations and Indian health programs about Medicaid and Children's Health Insurance Program matters that may have a direct impact on Indian health programs and tribal organizations.

B. The department shall comply with the technical requirements for providing verification of the tribal consultation process to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) when changes to the Medicaid Program are submitted through:

1. state plan amendments;

2. waivers, including:
 - a. newly proposed submissions;
 - b. amendments;
 - c. extensions;
 - c. renewals; and
 - d. waiver terminations.

C. In accordance with the approved Medicaid State Plan governing the tribal consultation process, the Medicaid Program will periodically provide a summary, which includes the changes being made by the Medicaid Program, to the federally-recognized Louisiana tribal organizations to initiate the tribal consultation process.

1. Tribal organizations will have 30 days to respond with any comments, unless the date for submission of the changes to CMS becomes critical and needs to be expedited. Expedited submissions will have a 7-day comment period. This notification and comment period applies to all State Plan and waiver submissions.

2. If comments are received, they will be forwarded to the state Medicaid director, or his/her designee, for further consideration. If no comments are received within the 30- or 7-day time frame, the Medicaid Program will make the assumption the tribes agree with the provisions in the proposed state plan and waiver documents and proceed accordingly.

D. The tribal comment period must expire prior to the submission of state plan and waiver documents to CMS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:892 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#067

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Direct Service Worker Registry (LAC 48:I.Chapter 92)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.Chapter 92 as authorized by R.S. 37:1031-1034 and R.S. 40:2179-2179.1. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 92. Direct Service Worker Registry
Subchapter A. General Provisions
§9201. Definitions**

Activities of Daily Living (ADLs)—the functions or tasks which are performed by an individual in a typical day, either independently or with supervision/assistance. Activities of daily living may include, but are not limited to, bathing, dressing, eating, grooming, walking, transferring and toileting.

Assistance with Activities of Daily Living—services that provide assistance with activities of daily living. Such assistance may be the actual performance of the task for the individual, or may provide hands-on assistance with the performance of the tasks, or may be include supervision and prompting to allow the individual to self-perform such tasks.

DAL—Division of Administrative Law or its successor.

Department—the Louisiana Department of Health and Hospitals (DHH).

Direct Service Worker (DSW)—an unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the person. Functions performed may include, but are not limited to, assistance and training in activities of daily living, personal care services, and job-related supports. Examples of direct service workers employed or contracted in a licensed and/or certified health care setting include, but are not limited to:

1. patient care technicians;
2. hospital aides;
3. unlicensed assistive personnel (UAPs);
4. home health aides;
5. hospice aides;
6. direct care workers;
7. mental health technicians;
8. mental health aides;
9. mental health orderlies;
10. nursing aides or hospital orderlies;
11. nursing assistants;
12. patient care aides; and/or
13. any persons hired as unlicensed direct care staff that

meet the provisions of this Chapter.

Note: Those persons who are listed on the Certified Nurse Aide Registry and who are employed as certified nurse aides in a licensed and/or certified nursing facility and/or a skilled nursing facility within a hospital are not included under these provisions as a direct service worker.

Disability—a physical or mental impairment which substantially limits one or more of the major life activities of an individual or who has a history of such impairment or who is regarded as having such impairment; having a condition (such as an illness or an injury) that damages or limits a person's physical or mental abilities, either temporarily or on a permanent basis.

Elderly—any adult over 75 years old or individuals over 65 years old who have functional impairments.

Employed—performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is directly hired for an on staff position.

Exploitation—the illegal or improper use or management of the funds, assets or property of an adult with disabilities or who is elderly, or the use of the power-of-attorney or

guardianship of an adult with disabilities or who is elderly for one's own profit or advantage.

* * *

Finding—allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department for the following reasons:

1. after a final decision by an administrative law judge or a court of law, after all appeal delays afforded by law are exhausted; or
2. failure by the accused to timely request an appeal in accordance with the provisions of this Rule.

Health Care Provider—any health care facility, agency, or entity licensed and/or certified by DHH. Such entities may be referred to in other laws, statutes and regulations as providers, agencies, clinics, residential care units, homes or facilities. Health care providers include, but are not limited to, the following:

1. nursing facilities;
2. hospice providers;
3. hospitals;
4. intermediate care facilities;
5. adult residential care providers;
6. adult day health care centers;
7. home health agencies;
8. behavioral health providers;
9. dialysis units; or
10. home and community based services providers.

Health Standards Section (HSS)—the section of the Department of Health and Hospitals responsible for the licensing and/or certification of health care providers.

* * *

Independent Living Environment—Repealed.

Major Life Activities—functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

* * *

Person-Specific Training—a set of knowledge, skills, training and abilities that address the client's strengths, restrictions relative to aging, disabilities, health care needs and related factors in order to meet the unique needs of the person receiving care.

Plan of Care—a plan that describes the assistance or services required to be provided to a person receiving home and community-based services, as defined herein. The plan also describes who shall provide the assistance and the frequency and/or duration of the services that shall be provided.

Provider—

1. an entity that furnishes care and services to consumers and has been licensed and/or certified by the department to operate in the state;
2. in the case of an authorized departmental self-directed program, provider shall be the entity or individual as specified by the program employing or contracting the direct service worker.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2058 (November 2006), amended LR

33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3175 (December 2012), LR 42:893 (June 2016).

§9202. Introduction

A. The Department of Health and Hospitals (DHH) shall maintain a registry of individuals for whom specific findings of abuse, neglect, exploitation or extortion have been substantiated by the department, an administrative law judge, or a court of law.

B. - B.6. ...

C. Licensed and/or certified health care providers shall access the registry to determine if there is a finding that a prospective hire or currently employed or contracted direct service worker has been determined to have committed abuse or neglect of an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired nor shall a current employee have continued employment with the licensed and/or certified health care provider.

D. All provisions of this Chapter, except Subchapter D, §§9241-9261, Medication Administration and Noncomplex Tasks in Home and Community-Based Settings, applies to any licensed and/or certified health care provider who employs or contracts direct service workers who provide personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the person.

1. Exception. Home and community-based services providers are required to meet all provisions of this Chapter, inclusive of Subchapter D, §§9241-9261, if the HCBS provider employs or contracts direct service workers who perform medication administration and noncomplex medical tasks in the HCBS setting.

E. The provisions of this Chapter shall apply to direct service workers who are compensated, regardless of the setting, and specifically do not apply to those direct service workers listed on the Certified Nurse Aide Registry established under rules promulgated by the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:894 (June 2016).

Subchapter C. Provider Participation

§9231. Health Care Provider Responsibilities

A. Prior to hiring any direct service worker or trainee, the licensed and/or certified health care provider shall:

1. assure that the individual is at least 18 years of age, and that they have the ability to read, write and comprehend the English language; and
2. access the registry in accordance with the provisions of §9202.C.

B. The health care provider shall have a written process to check the registry every six months to determine if any currently employed or contracted direct service worker or trainee has been placed on the registry with a finding that

he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the individual's property or funds.

1. The provider shall follow the agency's process in demonstration of compliance with this procedure.

2. If there is such a finding on the registry, the employee shall not have continued employment with the licensed and/or certified health care provider in accordance with the provisions of §9202.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:97 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:894 (June 2016).

Subchapter D. Medication Administration and Noncomplex Tasks in Home and Community-Based Settings

§9243. General Requirements for the Performance of Medication Administration and Noncomplex Tasks in Home and Community-Based Settings

A. ...

1. be employed or contracted by an agency licensed and/or certified by the Health Standards Section or employed as part of an authorized departmental self-directed program; and

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3177 (December 2012), amended LR 42:895 (June 2016).

§9245. Training Requirements for the Performance of Medication Administration and Noncomplex Tasks in Home and Community-Based Settings

A. - C. ...

D. Any direct service worker currently employed or contracted to perform the procedures authorized by this Chapter shall complete the training required by this Subchapter no later than 12 months after promulgation of this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3177 (December 2012), amended LR 42: 42:895 (June 2016).

§9253. Registered Nurse Responsibilities

A. - A.6. ...

7. completing and submitting the required documentation to the licensed and/or certified agency employing or contracting the direct service worker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3178 (December 2012), amended LR 42:895 (June 2016).

§9257. Liability

A. ...

B. Any physician licensed to practice medicine by the Louisiana State Board of Medical Examiners, whether or not the physician developed the person's plan of care, including but not limited to the prescribed medical regime, who is

rendering professional medical care services shall not be liable for any civil damages as a result of any negligent or intentional act or omission of the direct service worker or licensed and/or certified agency.

C. Notwithstanding any other provision of law, licensed and/or certified agencies that employ or contract direct service workers shall be liable for acts or omissions of the direct service worker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3179 (December 2012), amended LR 42:895 (June 2016).

§9261. Violations and Noncompliance

A. ...

B. In accordance with §9259.A.2, authorization for a direct service worker to perform any of the tasks specified in R.S. 37:1032 shall be terminated if the registered nurse certifies that the direct service worker can no longer perform the prescribed tasks safely and the direct service worker shall immediately cease performing such procedures.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), amended LR 42:895 (June 2016).

Subchapter E. Violations

§9273. Allegations of Direct Service Worker Wrong-Doing

A. The department, through the Division of Administrative Law, or its successor, provides a process for the review, investigation, and appeal of all allegations of wrong-doing by direct service workers. Direct service workers and trainees shall not:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:895 (June 2016).

§9275. Notice of Violation

A. When there are substantiated allegations against the direct service worker, either through oral or written evidence, the department will notify the individual(s) implicated in the investigation of the following:

1. - 2. ...

3. the right to request from HSS an informal discussion (informal dispute resolution process); and

4. the right to request from the Division of Administrative Law an administrative hearing (appeal).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), LR 42:895 (June 2016).

§9277. Informal Dispute Resolution

A. When a direct service worker feels that he/she has been wrongly accused, the following procedure shall be followed:

1. The direct service worker may request an informal dispute resolution (IDR) within 15 calendar days of the receipt of the department's notice of violation. The request for an IDR shall be made to the HSS in writing.

2. The IDR is designed:

a. to provide an opportunity for the direct service worker to informally discuss the allegations that make the basis for placement of the finding;

b. - c. ...

3. An IDR session will be arranged within 20 days of receipt of the written request.

4. During the IDR, the direct service worker will be afforded the opportunity to:

a. talk with agency personnel assigned to the IDR;

b. - e. ...

5. Notice of the results of the IDR decision will be forwarded to the DSW in writing. Such written notice will include any further opportunities for appeal, if necessary and/or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:895 (June 2016).

Subchapter F. Administrative Hearings

§9285. General Provisions

A. ...

1. The request for an administrative hearing shall be made in writing to the Division of Administrative Law, or its successor.

2. The request shall contain a statement setting forth the specific allegations which the direct service worker disputes and the reasons for this dispute.

A.3. - B. ...

1. - 1.c. Repealed.

C. The administrative hearing shall be conducted by an administrative law judge from the Division of Administrative Law, or its successor, as authorized by R.S. 46:107 and according to the Administrative Procedure Act.

1. - 9. Repealed.

D. If there is a final and binding administrative hearing decision to place a finding on the DSW Registry against the direct service worker, the department shall place the direct service worker's name and the adverse findings on the DSW Registry. The occurrence and findings will remain on the DSW Registry permanently.

D.1. - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), LR 42:896 (June 2016).

§9287. Preliminary Conferences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:99 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3180 (December 2012), repealed LR 42:896 (June 2016).

§9293. Failure to Appear at Administrative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2063 (November 2006), amended LR 33:100 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3181 (December 2012), repealed LR:42:896 (June 2016).

Rebekah E. Gee MD, MPH

Secretary

1606#068

RULE

Department of Health and Hospitals

Bureau of Health Services Financing

and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers

Children's Choice Waiver—Unit of Reimbursement

(LAC 50:XXI.12101)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.12101 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 9. Children's Choice

Chapter 121. Reimbursement

§12101. Unit of Reimbursement

A. ...

B. Direct service providers shall be reimbursed according to the following unit of reimbursement approach. Actual rates will be published in the Children's Choice Waiver provider manual, and will be subsequently amended by direct notification to the affected providers. For services provided by a subcontractor agency, the enrolled direct service provider shall coordinate and reimburse the subcontractor according to the terms of the contract and retain the administrative costs.

1. Family support, crisis support, center-based respite, aquatic therapy, art therapy, music therapy, sensory integration and hippotherapy/therapeutic horseback riding services shall be reimbursed at a flat rate per 15-minute unit of service and reimbursement shall not be made for less than

15-minute (one quarter-hour) of service. This covers both service provision and administrative costs.

a. Up to two participants may choose to share family support services if they share a common provider of this service.

b. Up to two participants may choose to share crisis support services if they share a common provider of this service.

c. There is a separate reimbursement rate when these services are shared.

2. - 3. ...

4. **Direct Support Professionals Wages**

a. The minimum hourly rate paid to providers for full-time equivalent (FTE) direct support professionals shall be the federal minimum wage in effect at the time.

B.4.b. - D.1.c. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 39:2504 (September 2013), LR 40:68 (January 2014), LR 41:128 (January 2015), LR 42:896 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#069

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

**Home and Community-Based Services Waivers
Community Choices Waiver
Unit of Reimbursement
(LAC 50:XXI.9501)**

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.9501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services

Waivers

Subpart 7. Community Choices Waiver

Chapter 95. Reimbursement

§9501. Unit of Reimbursement

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the participant. One quarter hour (15 minutes) is the standard unit of service, which covers both the service provision and administrative costs for the following services, and reimbursement shall not be made for less than one quarter hour (15 minutes) of service:

1. personal assistance services (except for the “a.m. and p.m.” service delivery model);

a. up to three participants may share personal assistance services if they live together and share a common provider of these services; and

b. there is a separate reimbursement rate for shared personal care services;

c. Repealed.

A.2. - B.3. ...

4. transition expenses (not to exceed the maximum lifetime limit set by OAAS); and

B.5. - E. ...

F. The following services shall be reimbursed on a per-visit basis:

1. certain nursing and skilled maintenance therapy procedures; and

2. personal assistance services furnished via “a.m. and p.m.” delivery method.

G. The following services shall be reimbursed on a per-visit basis:

1. certain environmental accessibility adaptations; and

2. certain nursing, and skilled maintenance therapy procedures.

H. ...

I. - L.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#070

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and**

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver
Unit of Reimbursement
(LAC 50:XXI.14301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 11. New Opportunities Waiver

**Chapter 143. Reimbursement
§14301. Unit of Reimbursement**

A. Reimbursement for services shall be a prospective flat rate for each approved unit of service provided to the participant. One quarter hour (15 minutes) is the standard unit of service and reimbursement shall not be made for less than 15 minutes (one quarter hour) of service. This covers both service provision and administrative costs for the following services:

1. ...
 2. community integration development:
 - a. up to three participants may choose to share community integration development if they share a common provider of this service;
 - b. there is a separate reimbursement rate for community integration development when these services are shared;
 3. - 4. ...
 5. individualized and family support-day and night:
 - a. up to three participants may choose to share individualized and family support services if they share a common provider;
 - b. there is a separate reimbursement rate for individualized and family support when these services are shared;
 6. ...
 7. skilled nursing services:
 - a. up to three participants may choose to share skilled nursing services if they share a common provider;
 - b. there is a separate reimbursement rate for skilled nursing services when these services are shared;
 - c. ...
 - d. - e. Repealed.
- A.8. - E. ...
- F. Remote assistance is paid through an hourly rate.
1. - 10.d. Repealed

G. Direct Support Professionals Wages. The rate paid to direct support professionals shall be the federal minimum wage in effect at the time.

G.1. - L. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), amended LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#071

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Home and Community-Based Services Waivers
Rate Methodology
(LAC 50:XXI.Chapter 7)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.701 and adopted §703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services
Waivers**

Subpart 1. General Provisions

**Chapter 7. Reimbursement Methodology
§701. Cost Reporting Requirements**

A. Effective July 1, 2012, the department shall implement mandatory cost reporting requirements for providers of home and community-based waiver services who provide personal care services (including personal care services, personal care attendant services, community living supports services, attendant care services, personal assistance services, in-home respite, and individual and family support services). The cost reports will be used to verify expenditures and to support rate setting for the services rendered to waiver recipients.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:509 (March 2013), amended LR 42:898 (June 2016).

§703. Rate Methodology

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service that is provided to the recipient:

1. personal care services;
2. personal care attendant services;
3. community living supports services;
4. attendant care services;
5. personal assistance services;
6. in-home respite; and
7. individual and family support services, collectively

referred to as reimbursable assistance services.

B. One quarter hour (15 minutes) shall be the standard unit of service. Reimbursement shall not be paid for the provision of less than one quarter hour (15 minutes) of service.

C. Effective July 1, 2016, a rate validation process will occur to determine the sufficiency of reimbursement rates. This process will be repeated at a minimum of every two years thereafter. The rate validation process will involve the comparison of current provider reimbursement rates to reimbursement rates established using the department's reimbursement methodology.

1. The department's reimbursement methodology will establish an estimated reimbursement rate through the summation of the following two rate component totals:

- a. adjusted staff cost rate component; and
- b. other operational cost rate component.

2. The adjusted staff cost rate component will be determined in the following manner.

a. Direct service worker wage expense, contract labor expense, and hours worked for reimbursable assistance services will be collected from provider cost reports.

i. Collected wage and contract labor expense will be divided by collected hours worked, on an individual cost report basis, to determine a per hour labor rate for direct service workers.

ii. The individual cost report hourly labor rates will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide labor rate will be determined.

b. A blended direct service worker labor rate will be calculated by comparing the simple average statewide labor rate to the most recently available, as of the calculation of the department's rate validation process, average personal care aide wage rate from the *Louisiana Occupational Employment and Wages* report for all Louisiana parishes published by the Louisiana Workforce Commission (or its successor).

i. If the simple average statewide labor rate is less than the wage rate from the *Louisiana Occupational Employment and Wages* report, a blended wage rate will be calculated using 50 percent of both wage rates.

ii. If the simple average statewide labor rate is equal to or greater than the wage rate from the *Louisiana*

Occupational Employment and Wages report, the simple average statewide labor rate will be utilized.

c. An employee benefit factor will be added to the blended direct service worker wage rate to determine the unadjusted hourly staff cost.

i. Employee benefit expense allocated to reimbursable assistance services will be collected from provider cost reports.

ii. Employee benefit expense, on an individual cost report basis, will be divided by the cost report direct service wage and contract labor expense for reimbursable assistance services to calculate employee benefits as a percentage of labor costs.

iii. The individual cost report employee benefit percentages will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide employee benefit percentage will be determined.

iv. The simple average statewide employee benefit percentage will be multiplied by the blended direct service worker labor rate to calculate the employee benefit factor.

d. The department will be solely responsible for determining if adjustments to the unadjusted hourly staff cost for items that are underrepresented or not represented in provider cost reports is considered appropriate.

e. The unadjusted hourly staff cost will be multiplied by a productive hours adjustment to calculate the hourly adjusted staff cost rate component total. The productive hours' adjustment allows the reimbursement rate to reflect the cost associated with direct service worker time spent performing required non-billable activities. The productive hours' adjustment will be calculated as follows.

i. The department will determine estimates for the amount of time a direct service worker spends performing required non-billable activities during an eight hour period. Examples of non-billable time include, but are not limited to: meetings, substitute staff, training, wait-time, supervising, etc.

ii. The total time associated with direct service worker non-billable activities will be subtracted from eight hours to determine direct service worker total billable time.

iii. Eight hours will be divided by the direct service worker total billable time to calculate the productive hours adjustment.

3. The other operational cost rate component will be calculated in the following manner.

a. Capital expense, transportation expense, other direct non-labor expense, and other overhead expense allocated to reimbursable assistance services will be collected from provider cost reports.

b. Capital expense, transportation expense, supplies and other direct non-labor expense, and other overhead expense, on an individual cost report basis, will be divided by the cost report direct service wage and contract labor expense for reimbursable assistance services to calculate other operational costs as a percentage of labor costs.

c. The individual cost report other operational cost percentages will be aggregated for all applicable filed cost reports, outliers will be removed, and a simple average statewide other operational cost percentage will be determined.

d. The simple average other operational cost percentage will be multiplied by the blended direct service

worker labor rate to calculate the other operational cost rate component.

4. The calculated department reimbursement rates will be adjusted to a one quarter hour unit of service by dividing the hourly adjusted staff cost rate component and the hourly other operational cost rate component totals by four.

5. The department will be solely responsible for determining the sufficiency of the current reimbursement rates during the rate validation process. Any reimbursement rate change deemed necessary due to rate validation process will be subject to legislative budgetary appropriation restrictions prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 42:899 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#072

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and**

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
Residential Options Waiver
Unit of Reimbursement
(LAC 50:XXI.16901 and 16903)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.16901 and §16903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services
Waivers**

Subpart 13. Residential Options Waiver

Chapter 169. Reimbursement

§16901. Unit of Reimbursement

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the waiver participant. One quarter hour (15 minutes) is the standard unit of service and reimbursement shall not be made for less than one quarter hour of service. This covers both the service provision and administrative costs for these services:

A.1. - J. ...

K. - L.1.d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 39:1049 (April 2013), LR 41:2168, 2169 (October 2015), LR 42:63 (January 2016), LR 42:900 (June 2016).

§16903. Direct Support Professional Wages

A. The minimum hourly rate paid to direct support professionals shall be the federal minimum wage in effect at the time.

1. - 6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#073

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers
Supports Waiver
Unit of Reimbursement
(LAC 50:XXI.6101)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.6101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services
Waivers**

Subpart 5. Supports Waiver

Chapter 61. Reimbursement

§6101. Unit of Reimbursement

A. The reimbursement for all services will be paid on a per claim basis. The reimbursement rate covers both service provision and administration. Services which utilize a

prospective flat rate of one quarter hour (15 minutes) will not be paid for the provision of less than one quarter hour of service.

B. - G. ...

H. Direct Support Professionals Wages. The minimum hourly rate paid to direct support professionals shall be the federal minimum wage in effect at the time.

I. - 9.d. Repealed.

I. ...

J. - L.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281 (October 2010), LR 37:2158 (July 2011), LR 39:1050 (April 2013), LR 40:82 (January 2014), LR 40:2587 (December 2014), LR 42:900 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#074

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medicaid Eligibility
Asset Verification Program
(LAC 50:III.Chapter 3)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:III.Chapter 3 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 1. General Administration

Chapter 3. Asset Verification Program

§301. General Provisions

A. Pursuant to §7001(d) of the Supplemental Appropriations Act of 2008 (P.L. 110-252) and §1940 of the Social Security Act, the department hereby establishes provisions to implement an Asset Verification Program (AVP) for Louisiana Medicaid.

B. The department will provide for the verification of assets for the purposes of determining or redetermining (renewing) Medicaid eligibility for aged, blind and disabled Medicaid applicants and recipients of Medicaid using an asset verification system (AVS) which meets the following requirements.

1. The request and response system will be an electronic system and meet the following criteria.

a. Verification inquiries will be sent electronically via the internet or similar means from Medicaid to the financial institution (FI).

b. The system will not be based on mailing paper-based requests.

c. The system will have the capability to accept responses electronically.

C. The system will be secure, based on a recognized industry standard of security.

D. The system will establish and maintain a database of the FIs that will participate in the department's AVS as mandated by federal requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:901 (June 2016).

Rebekah E. Gee MD, MPH
Secretary

1606#075

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medicaid Eligibility
Recipient Appeals and Fair Hearing Requests
(LAC 50:III.101)

The Department of Health and Hospitals, Bureau of Health Services Financing has repealed and replaced the provisions of section T-100 of the *Medicaid Eligibility Manual* governing fair hearings which was promulgated in the May 20, 1996 Rule, and has adopted LAC 50:III.101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 1. General Administration

Chapter 1. General Provisions

§101. Fair Hearings

A. Every applicant for, and enrollee of, Medicaid Program benefits has the right to appeal an agency action or decision, and has the right to request a fair hearing in the presence of an impartial hearing officer.

1. *Action*—a termination, suspension or reduction of Medicaid eligibility or covered services. This includes terminations by skilled nursing facilities and nursing facilities to transfer or discharge residents and adverse determinations made by a state (Medicaid Program) with regard to the preadmission screening and annual resident review requirements of §1917(e)(7) of the Social Security Act.

2. Exception. Enrollees are not entitled to a fair hearing if the sole issue is a federal or state law requiring an

automatic change adversely affecting some or all Medicaid recipients.

3. Applicants and enrollees shall be informed in writing of the right to request a fair hearing and of the procedure to do so.

B. The Medicaid Program may delegate the responsibility for conducting fair hearings to another state agency. Any agency with delegated authority to conduct fair hearings on behalf of the Medicaid Program shall comply with the federal notice and fair hearing requirements pursuant to 42 CFR 431, subpart E, and all other Medicaid Program and state regulations governing fair hearings.

C. Applicants and enrollees must request a fair hearing within 30 days of the date of the adequate and/or timely decision notice issued by the Medicaid Program or its designee.

D. Maintenance of Services Pending a Fair Hearing Request

1. If the Medicaid Program sends a notice to the recipient as required under 42 CFR 431.211 or §431.214, and the recipient requests a hearing before the date of action, the recipient's services will not be terminated or reduced by the Medicaid Program until a decision is rendered after the hearing unless:

- a. it is determined at the hearing that the sole issue is one of federal or state law or policy; and
- b. the recipient is promptly informed by Medicaid, in writing, that the services are to be terminated or reduced pending the hearing decision.

2. If the Medicaid Program's action is sustained by the hearing decision, recovery procedures may be instituted against the applicant/recipient to recoup the cost of any services furnished, to the extent they were furnished solely by reason of this §101.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:901 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#076

RULE

Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Personal Care Services—Long-Term
(LAC 50:XV.Chapter 129)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XV.Chapter 129 in the Medical Assistance Program as authorized by R.S. 36:254

and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12901. General Provisions

A. - F.1.b. ...

2. The functions of a responsible representative are to:
a. assist or represent, as needed, the recipient in the assessment, care plan development and service delivery processes; and

F.2.b. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:911 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2577 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2450 (November 2009), LR 39:2506 (September 2013), LR 41:540 (March 2015), LR 42:902 (June 2016).

§12902. Participant Direction Option

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2578 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), repealed LR 42:902 (June 2016).

§12903. Covered Services

A. *Personal care services* are defined as those services that provide assistance with the distinct tasks associated with the performance of the activities of daily living (ADLs) and the instrumental activities of daily living (IADLs). Assistance may be either the actual performance of the personal care task for the individual or supervision and prompting so the individual performs the task by him/herself. ADLs are those personal, functional activities required by the recipient. ADLs include tasks such as:

1. - 4. ...

5. *transferring*—the manner in which an individual moves from one surface to another (excludes getting on and off the toilet, and getting in and out of the tub/shower);

A.6. - C. ...

1. If transportation is furnished, the participant must accept all liability for their employee transporting them. It is the responsibility of the participant to ensure that the employee has a current, valid driver's license and automobile liability insurance.

a. Repealed.

D. ...

E. For participants receiving LT-PCS with the Adult Day Health Care (ADHC) Waiver, personal care services may be provided by one worker for up to three long-term personal care service recipients who live together, and who have a common direct service provider.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2578 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), LR 42:902 (June 2016).

§12905. Eligibility Criteria

A. Personal care services shall be available to recipients who are 65 years of age or older, or 21 years of age or older and have a disability. Persons with a disability must meet the disability criteria established by the Social Security Administration.

B. - B.3.c. ...

C. Persons designated as the responsible representative of an individual receiving services under LT-PCS may not be the paid direct service worker of the individual they are representing.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office of Aging and Adult Services, LR 32:2082 (November 2006), LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2507 (September 2013), LR 42:903 (June 2016).

§12907. Recipient Rights and Responsibilities

A. Recipients who receive services under the Long-Term Personal Care Services Program have the right to actively participate in the development of their plan of care and the decision-making process regarding service delivery. Recipients also have the right to freedom of choice in the selection of a provider of personal care services and to participate in the following activities:

1. - 6. ...

7. changing the personal care worker assigned to provide their services;

A.8. - B. ...

* * *

C. - C.13. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2579 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), LR 42:903 (June 2016).

§12910. La POP Standards for Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), repealed LR 42:903 (June 2016).

§12911. Staffing Requirements

A. All staff providing direct care to the recipient must meet the qualifications for furnishing personal care services per the licensing regulations. The direct service worker shall demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job.

B. - B.1.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2832 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2508 (September 2013), LR 42:903 (June 2016).

§12912. Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2580 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2509 (September 2013), repealed LR 42:903 (June 2016).

§12913. Service Delivery

A. ...

B. The provision of services outside of the recipient's home does not include trips outside of the borders of the state without approval of OAAS or its designee.

C. Participants are not permitted to live in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services, and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of a direct support worker unless the direct support worker is related by blood or marriage to the participant.

1. ...

D. Place(s) of service must be documented in the plan of care and service logs.

E. It is permissible for an LT-PCS recipient to use his/her approved LT-PCS weekly allotment flexibly provided that it is done so in accordance with the recipient's preferences and personal schedule and is properly documented in accordance with OAAS policy.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended LR 30:2833 (December 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2581

(December 2008), amended by the Department of Health and Hospitals, Bureau of Health Financing and the Office of Aging and Adult Services, LR 39:2509 (September 2013), LR 42:903 (June 2016).

§12917. Unit of Reimbursement

A. Reimbursement for personal care services shall be a prospective flat rate for each approved unit of service that is provided to the recipient. One quarter hour (15 minutes) is the standard unit of service for personal care services. Reimbursement shall not be paid for the provision of less than one quarter hour (15 minutes) of service. Additional reimbursement shall not be available for transportation furnished during the course of providing personal care services.

B. The minimum hourly rate paid to personal care workers shall be at least the current federal minimum.

B.1. - I. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 39:1780 (July 2013), LR 42:904 (June 2016).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1606#077

RULE

**Department of Health
Emergency Response Network**

LERN Destination Protocol: TRAUMA (LAC 48:I.19121)

The Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and codified LAC 48:I.Chapter 191, Section 19121, a protocol adopted and promulgated on December 10, 2015, by the Louisiana Emergency Response Network Board for the transport of trauma and time sensitive ill patients, adopted as authorized by R.S. 9:2798.5 (to replace the protocol adopted on November 10, 2014, codified in LR 41:950 (May 20, 2015) as LAC 48:I.Chapter 191, Section 19119).

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 15. Emergency Response Network

Chapter 191. Trauma Protocols

§19121. LERN Destination Protocol: TRAUMA

A. On December 10, 2015, the Louisiana Emergency Response Network Board [R.S. 40:2842(1) and (3)] adopted

and promulgated “LERN Destination Protocol: TRAUMA”, which replaces the “LERN Destination Protocol: TRAUMA” found in §19121 adopted and promulgated November 20, 2014, as follows.

1. Call LERN communication center at (866) 320-8293 for patients meeting the following criteria.

<ul style="list-style-type: none"> • Unmanageable airway • Tension pneumothorax • Traumatic cardiac arrest • Burn patient without patent airway • Burn patient > 40 percent BSA without IV 	Yes→	Closest ED/Trauma Center
No ↓		
Measure vital signs and level of consciousness		
<ul style="list-style-type: none"> • GCS ≤13 • SBP <90mmHg • RR <10 or >29 breaths per minute, or need for ventilator Support (<20 in infant aged <1 year) 	Yes→	Transport to Trauma Center/ Trauma Program These patients should be transported to the highest level of care within the defined trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. <i>* If distance or patient condition impedes transport to trauma facility, consider transport to most appropriate resourced hospital.</i>
No ↓		
Assess anatomy of injury		
<ul style="list-style-type: none"> • All penetrating injuries to head, neck, torso, and extremities proximal to elbow or knee • Chest wall instability or deformity (e.g. flail chest) • Two or more proximal long-bone fractures • Crushed, degloved, mangled, or pulseless extremity • Amputation proximal to wrist or ankle • Pelvic fractures • Open or depressed skull fracture • Paralysis • Fractures with neurovascular compromise (decreased peripheral pulses or prolonged capillary refill, motor or sensory deficits distal to fracture) 	Yes→	Transport to Trauma Center/ Trauma Program These patients should be transported to the highest level of care within the defined trauma system. This is a Level 1 or a Level 2 Trauma Center or Trauma Program. <i>* If distance or patient condition impedes transport to trauma facility, consider transport to most appropriate resourced hospital.</i>
No ↓		
Assess mechanism of injury and evidence of high-energy impact		
<ul style="list-style-type: none"> • Falls - Adults: >20 feet (one story is equal to 10 feet) - Children: >10 feet or two or three times the height of the child • High-risk auto crash - Intrusion, including roof: > 12 inches occupant site; 	Yes→	Transport to Trauma Center/Trauma Program which, depending upon the defined trauma system, need not be the highest level trauma center/program. If no Trauma Center/Trauma Program in the region, LCC may route to the most appropriate resourced hospital.

<ul style="list-style-type: none"> > 18 inches any site - Ejection (partial or complete) from automobile - Death in the same passenger compartment - Vehicle telemetry data consistent with a high risk of injury • Auto vs. pedestrian/bicyclist/ATV thrown, run over, or with significant (>20 mph) impact • Motorcycle crash >20mph 		
No ↓		
Assess special patient or system considerations		
<ul style="list-style-type: none"> • Older Adults <ul style="list-style-type: none"> - Risk of injury/death increases after age 55 years - SBP <110 may represent shock after age 65 - Low impact mechanisms (e.g. ground level falls) may result in severe injury • Children <ul style="list-style-type: none"> - Should be triaged preferentially to pediatric capable trauma centers • Anticoagulants and bleeding disorders <ul style="list-style-type: none"> - Patients with head injury are at high risk for rapid deterioration • Burns <ul style="list-style-type: none"> - With trauma mechanism: triage to trauma center • Pregnancy >20 weeks • Hip Fractures (hip tenderness, deformity, lateral deviation of foot) excluding isolated hip fractures from same level falls • Major joint dislocations (hip, knee, ankle, elbow) • Open Fractures • EMS provider judgment 	Yes→	<p>Transport to Trauma Center/Trauma Program or hospital capable of timely and thorough evaluation and initial management of potentially serious injuries. Consider consultation with medical control.</p>
No ↓		
Multi/Mass Casualty Incident	No→	Transport according to protocol

RULE

**Department of State
Business Services Division**

Business Entities (LAC 19:V.Chapters 1-13)

The secretary of State, pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 49:222 and R.S. 36:742, has adopted a Rule to authorize the use of an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana through geauxBIZ.

Title 19

CORPORATION AND BUSINESS

Part V. Secretary of State

Chapter 1. Domestic Corporations

§100. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a corporation via email whenever amendments are submitted on the corporation through geauxBIZ. The corporation will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a geauxBIZ account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the corporation must provide the PIN assigned to the corporation within five days of receiving notification of a pending file. If the corporation rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The corporation is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the corporation's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to

2. When in doubt, transport to a trauma center.

B. This protocol was published at LR 42:169 (January 2016).

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:2798.5 and R.S. 40:2846(A).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Response Network, LR 42:904 (June 2016).

Paige Hargrove
Executive Director

1606#030

reinstate a cancelled enrollment or to change the SBF enrollment to a different *geauxBIZ* user. Once the enrollment application is approved by the department, the department will provide the corporation with a personal identification number (PIN) that will be unique to the corporation. The corporation can give the PIN to any person filing amendments on the corporation's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:905 (June 2016).

Chapter 5. Nonprofit Corporations

§500. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a corporation via email whenever amendments are submitted on the corporation through *geauxBIZ*. The corporation will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a *geauxBIZ* account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the corporation must provide the PIN assigned to the corporation within five days of receiving notification of a pending file. If the corporation rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The corporation is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the corporation's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to reinstate a cancelled enrollment or to change the SBF enrollment to a different *geauxBIZ* user. Once the enrollment application is approved by the department, the department will provide the corporation with a personal

identification number (PIN) that will be unique to the corporation. The corporation can give the PIN to any person filing amendments on the corporation's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:906 (June 2016).

Chapter 7. Foreign Corporations

§700. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a corporation via email whenever amendments are submitted on the corporation through *geauxBIZ*. The corporation will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a *geauxBIZ* account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the corporation must provide the PIN assigned to the corporation within five days of receiving notification of a pending file. If the corporation rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The corporation is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the corporation's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to reinstate a cancelled enrollment or to change the SBF enrollment to a different *geauxBIZ* user. Once the enrollment application is approved by the department, the department will provide the corporation with a personal identification number (PIN) that will be unique to the corporation. The corporation can give the PIN to any person filing amendments on the corporation's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

ISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:906 (June 2016).

Chapter 9. Special Corporations

§900. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a corporation via email whenever amendments are submitted on the corporation through *geauxBIZ*. The corporation will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a *geauxBIZ* account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the corporation must provide the PIN assigned to the corporation within five days of receiving notification of a pending file. If the corporation rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The corporation is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the corporation's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to reinstate a cancelled enrollment or to change the SBF enrollment to a different *geauxBIZ* user. Once the enrollment application is approved by the department, the department will provide the corporation with a personal identification number (PIN) that will be unique to the corporation. The corporation can give the PIN to any person filing amendments on the corporation's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:907 (June 2016).

Chapter 11. Limited Liability Companies

§1100. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a limited liability

company via email whenever amendments are submitted on the limited liability company through *geauxBIZ*. The limited liability company will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a *geauxBIZ* account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the limited liability company must provide the PIN assigned to the limited liability company within five days of receiving notification of a pending file. If the limited liability company rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The limited liability company is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the limited liability company's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to reinstate a cancelled enrollment or to change the SBF enrollment to a different *geauxBIZ* user. Once the enrollment application is approved by the department, the department will provide the limited liability company with a personal identification number (PIN) that will be unique to the limited liability company. The limited liability company can give the PIN to any person filing amendments on the limited liability company's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:907 (June 2016).

Chapter 13. Partnerships

§1300. Secure Business Filings Service

A. The Department of State has developed and now offers an optional secure business filings (SBF) service designed to discourage fraudulent business filings in Louisiana. The service will notify a partnership via email whenever amendments are submitted on the partnership through *geauxBIZ*. The partnership will have the opportunity to review the filing and approve or reject further processing by the Department of State.

B. Any person who has a geauxBIZ account with a verified email address can enroll in the optional SBF service. The enrollment application must be authorized by a person who is a named officer, director, member, manager, or partner of record (the authorizing authority). The identity of the authorizing authority must be verified by completing a secure business filing service enrollment application authorization which must be verified by a licensed notary public in the state where the authorizing authority resides. A copy of the authorization form can be found on the department's website. The authorization application is required for all SBF applicants, even if the applicant is the approval authority.

C. Business entities will have an opportunity to review the filing and approve or reject further processing by the Department of State. To approve a filing, the partnership must provide the PIN assigned to the partnership within five days of receiving notification of a pending file. If the partnership rejects a filing or if five days passes with no action performed, the filing will not be processed by the Department of State.

D. The partnership is responsible for PIN usage and security. The Department of State will not be responsible for unauthorized usage of the PIN or changes made to the partnership's business record as a result of an unauthorized user entering the correct PIN. The department reserves the right to cancel the SBF service, change the PIN, remove an SBF enrollee, change the SBF service terms and conditions, or act to prevent or prosecute fraudulent activity at any time.

E. The service has a one-time enrollment fee of \$35. An enrollment does not expire; however, it can be cancelled by the enrollee, by another authorized applicant, or by the Department of State. Enrollments are non-transferrable. A new SBF enrollment application must be completed to reinstate a cancelled enrollment or to change the SBF enrollment to a different geauxBIZ user. Once the enrollment application is approved by the department, the department will provide the partnership with a personal identification number (PIN) that will be unique to the partnership. The partnership can give the PIN to any person filing amendments on the partnership's behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:222 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Business Services Division, LR 42:907 (June 2016).

Tom Schedler
Secretary of State

1606#040

RULE

**Department of Wildlife and Fisheries
Office of Fisheries**

Reef Fish—Harvest Regulations (LAC 76:VII.335)

The Wildlife and Fisheries Commission has amended a Rule (LAC 76:VII.335) modifying existing reef fish harvest regulations. The changes decrease the daily trip limit of commercially harvested greater amberjack from 2,000

pounds to 1,500 pounds and increase the recreational minimum size limit of greater amberjack from 30 to 34 inches fork length. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish—Harvest Regulations

A. - D.7. ...

8. Commercial trip limits shall include those limits listed below. For the purposes of this rule, a *trip* is defined as a fishing trip, regardless of the number of days duration, that begins with departure from a dock, berth, beach, seawall or ramp and that terminates with return to a dock, berth, beach, seawall or ramp.

Species or Group	Trip Limit
a. Gray Triggerfish	12 fish
b. Greater Amberjack	1,500 pounds

E. Recreational and commercial minimum and maximum size limits, unless otherwise noted.

Species	Minimum Size Limits
1. Red snapper	16 inches total length (Recreational) 13 inches total length (Commercial)
2. Gray, yellowtail, and cubera snapper	12 inches total length
3. Lane snapper	8 inches total length
4. Mutton snapper	16 inches total length
5. Vermilion snapper	10 inches total length
6. Red grouper	20 inches total length (Recreational) 18 inches total length (Commercial)
7. Yellowfin grouper	20 inches total length
8. Gag grouper	22 inches total length
9. Black grouper	22 inches total length (Recreational) 24 inches total length (Commercial)
10. Scamp	16 inches total length
11. Greater amberjack	34 inches fork length (Recreational) 36 inches fork length (Commercial)
12. Hogfish	12 inches fork length
13. Banded rudderfish and lesser amberjack	14 inches fork length (minimum size) 22 inches fork length (maximum size)
14. Gray triggerfish	14 inches fork length

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.56:6(25)(a), R.S. 56:320.2(C), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38:2383 (September 2012), LR 39:330 (February 2013), LR 40:95

(January 2014), repromulgated LR 40:1116 (June 2014), LR 40:2281 (November 2014), amended by the by the Department of Wildlife and Fisheries, Office of Fisheries, LR 42:908 (June 2016).

Bart Yakupzack
Chairman

1606#022

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Alligator Farms (LAC 76:V.701)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby promulgate rules for the slaughter of farm alligators and have amended the rules for the alligator farm facility requirements in the alligator regulations.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. - A.1. ...

2. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this Section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning.

* * *

Pithing—insertion of a rod into the foramen magnum of the alligator followed by four to six circular motions of such rod to destroy the brain.

* * *

Slaughter—killing farm-raised alligators for the purpose of harvesting commodities such as meat, hides, or parts.

* * *

3. - 14.k. ...

15. Alligator Farm Facility Requirements

a. - a.iv. ...

v. all controlled-temperature alligator sheds (environmental chambers) shall be of a design acceptable to the department. Each shed shall maintain a minimum water and air temperature of 80° Fahrenheit.

b. - c. ...

d. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers which maintain a minimum temperature of 80° Fahrenheit year-round containing wet areas of sufficient surface area to permit all alligators to partially submerge in water. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the department to move them to outside growth areas. Violation of this Subparagraph is a class three violation as described in Title 56.

e. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Violation

of this Subparagraph is a class three violation as described in Title 56.

f. - g. ...

h. Any alligator egg or alligator raised on an alligator farm shall be cared for under conditions that do not threaten the survival of such egg and alligator as determined by the biological staff of the Coastal and Nongame Resources Division. In making such determination, Coastal and Nongame Resources Division biologists shall take into consideration sanitary conditions, temperature control, feeding, overcrowding and other conditions which affect the survival of alligator eggs and alligators. If the biological staff of the Coastal and Nongame Resources Division determines that the survival of any alligator egg or alligator is threatened due to the conditions on an alligator farm, the department shall notify the alligator farmer and shall provide the farmer with 60 days to take corrective action. If the farmer fails to take corrective action within 60 days, the department shall have the authority to confiscate any alligator egg or alligator which remains under conditions that threaten the survival of such alligator egg or alligator and to dispose of such alligator egg or alligator as the department deems necessary. Violation of this Subparagraph is a class four violation as described in Title 56.

16. Farm-Raised Alligator Slaughter Methods

a.i. Legal methods for the slaughter of farm-raised alligators are as follows:

- (a). penetrating captive bolt;
- (b). non-penetrating captive bolt;
- (c). spinal cord severance followed immediately by pithing the brain; and

(d). other slaughter methods may be acceptable if they are approved in writing by the Department after review and consultation with a trained veterinarian; any slaughter method presented for review must quickly inflict severe damage to the brain, be humane and not pose a high risk to administering personnel.

ii. Selected slaughter method must be administered properly so as to cause a rapid loss of consciousness and death.

iii. Violation of this Subparagraph is a class three violation as described in Title 56.

17. Exceptions

a. The department or an authorized representative of the department may take by any means and possess alligators, alligator eggs, or parts of alligators while in the performance of official duties.

b. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the department within 24 hours.

18. Penalty for Violation

a. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

b. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the *Louisiana Revised Statutes*, particularly titles 14 and 56 and under federal law.

c. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses/permits held by the violator and, as further penalty, for serious, repeat, or multiple violations, the department shall have the right to deny a violator any and all licenses/permits relating to alligators for a period not to exceed three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016).

Edwin "Pat" Manuel
Chairman

1606#043

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Honey Bees, Apiaries and Fire Ants
(LAC 7:XV.Chapters 5 and 7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Agriculture and Forestry (“department”) intends to amend LAC 7:XV.501-519 regarding honey bees and apiaries. The proposed Rule also seeks to repeal in its entirety LAC 7:XV.701-725 regarding fire ants. The rules regarding honey bees and apiaries have not been amended since they were promulgated in 1985. It is the intent of these amendments to make the rules easier to read and to remove redundancies and strike language that is restated from R.S. 3:2301-2311.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantines

Chapter 5. Honey Bees and Apiaries

(Formerly LAC 7:XXI.Chapter 25)

§501. Definitions

(Formerly LAC 7:XXI.2501)

A. For purposes of this Chapter, the following terms shall have the meaning hereafter ascribed to them, unless the context clearly indicates otherwise.

Agent—an authorized representative of the state entomologist and/or the Department of Agriculture and Forestry.

Apiary or Yard—the assembly of one or more colonies of bees at a single location.

Apiary Law and Regulation—the provisions in title 3 of the *Louisiana Revised Statutes* regulating apiaries and the regulations promulgated in Title 7 of the *Louisiana Administrative Code* regulating apiaries.

Beekeeper—an individual, firm or corporation, who owns or has under his control one or more colonies of bees.

Certificate of Inspection—a document issued after authorized personnel have inspected bees or regulated articles prior to, and for the purpose of, the movement of such bees or regulated articles.

Colony or Hive—an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey, and the receptacles inhabited by the bees.

Comb Package—a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen.

Combless Package—a package of bees shipped or moved without comb, with or without a queen.

Commissioner—the commissioner of agriculture and forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Disease or Pest—any infectious condition of bees which is detrimental to the honey bee industry, including, but not limited to, American foulbrood.

Frame—a wooden or plastic case for holding honeycomb.

Infested—the presence of any disease or pest of bees.

Nucleus—bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place.

Permit—a registration certificate issued by the department to a beekeeper upon registration in accordance with the apiary laws and regulations.

Person—an individual, firm, corporation or other legal entity.

Quarantine—an official act of the state entomologist which prohibits or limits movement of bees or regulated articles when necessary to control, eradicate or prevent the introduction, spread or dissemination of any and all diseases of bees and all other pests of bees. A quarantine is local when it covers specific apiaries, colonies, bees or regulated articles, or another specific location. A quarantine is geographic when it covers a general area.

Quarantine Area—any area of the state designated by the state entomologist as having regulated articles which are or may be infected by a disease and/or infested with a pest, which presents a danger to other colonies of bees.

Queen—a fully developed female bee, capable of being fertilized.

Regulated Areas—geographical areas outside of the state of Louisiana which have been designated by the U.S. Department of Agriculture, Louisiana Department of Agriculture and Forestry or local governmental officials as infested states or counties. Any state or county which fails to conduct annual inspections in accordance with inspection standards adopted by the Louisiana Department of Agriculture and Forestry shall be presumed to be a regulated area.

Regulated Articles—colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

State Entomologist—the entomologist of the Louisiana Department of Agriculture and Forestry.

Super—a standard frame hive body (all depths).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2302 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:928 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

§503. Restrictions on Movement of Bees or Regulated Articles into Louisiana (Formerly LAC 7:XXI.2511)

A. Movement of bees or regulated articles from regulated areas into Louisiana may require prior written authorization issued by the commissioner, state entomologist or department.

B. If the state entomologist or his agents find that any bees and/or regulated articles have been brought into this state in violation of any laws and/or regulations governing apiaries, the bees and/or regulated articles may be immediately placed under stop order until released by the commissioner or state entomologist. Upon inspection, the bees or regulated articles may be placed under quarantine. Any violation of stop order or quarantine shall constitute a violation of the apiary law and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:929 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

§505. Interstate Movement of Supers and Frames Used in Shipping Honey (Formerly LAC 7:XXI.2513)

A. Class A permit holders, by written authorization of the commissioner or state entomologist, may move supers filled with frames and/or honey into and out of the state provided that each such super is moved free of bees and under a bee proof enclosure. Each load of supers must bear a brand or label containing the name, address and telephone number of the shipper or mover.

B. The department shall be notified, either in advance of or at the time of arrival, of the number of such supers filled with frames and/or honey being moved into the state. The department shall also be provided the name, address and telephone number of the recipient of each super if the recipient is not the class A permit holder to whom written authorization was issued.

C. All such supers filled with frames and/or honey shall be subject to inspection by authorized department personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:930 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

§507. Annual Registration and Designation of Class A and B Permits (Formerly LAC 7:XXI.2503)

A. Beekeepers will be designated as class A or class B permit holders. To be eligible for a class A permit, an applicant must either:

1. be domiciled in this state; or
2. have held a class B permit for three consecutive violation-free years. If violations are incurred at any time during this three-year period, the class B permit holder will automatically be placed back at year one, pending payment of any fines levied against him by the commissioner.

- B. The holder of a class A permit may do the following:
1. keep or move bees within Louisiana in new or used beekeeping equipment;
 2. apply to the department for an inspection for the purpose of moving bees;

3. move bees out of Louisiana upon receiving a certificate of inspection from the department; and

4. move bees into Louisiana as long as bees are accompanied by an inspection certificate from the state of origin.

C. The holder of a class B permit may do the following:

1. keep or move bees within Louisiana as long as the bees or equipment are established in Louisiana and are obtained from a beekeeper registered with the department;

2. keep or move bees obtained as a combless package that have been certified from the state of origin into Louisiana and move new, but not used, beekeeping equipment into Louisiana; and

3. apply to the department for a certificate of inspection for the purpose of determining the general health of the bees and to establish that the bees are not in violation of any apiary laws or regulations. This certificate of inspection will not confer authority on a class B permit holder to move bees.

D. The holder of a class B permit shall do the following:

1. maintain his yard or apiary a minimum of two miles from any other bee yard or apiary for three consecutive violation-free years. The holder of a class B permit must be able to demonstrate that he made reasonable efforts to ascertain and ensure that his bee yard or apiary would not be set up within a two-mile radius of an existing bee yard or apiary. The holder of a class B permit may move his yard or apiary within two miles of an existing yard or apiary if the owner of the existing apiary gives written permission;

2. provide the department with a map and the GPS coordinates of his bee yard or apiary every year at the time when the bees are registered with the department; and

3. apply for an inspection of the bees and be inspected for three consecutive years and be found free of any regulated pests of diseases during those years.

E. Permits issued for registration shall not allow the holder to move bees or regulated articles as is provided for with a certificate of inspection.

F. Failure to register colonies of bees in the state of Louisiana is a violation of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2305 and R.S. 2:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:930 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

§509. Authority to Enter Premises (Formerly LAC 7:XXI.2505)

A. For the purpose of ascertaining whether bees or regulated articles may have been or are being transported in violation of the apiary law or regulations, authorized personnel may enter onto property in the state where apiaries, bees or regulated articles are located, or are reasonably believed to be located, to determine if colonies or apiaries located on the property have been registered and are in compliance with all other apiary laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:930 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§511. Applications for Inspection
(Formerly LAC 7:XXI.2507)**

A. Beekeepers who desire certificates of inspection authorizing the movement of bees and/or regulated articles shall make application for inspection on a form that will be furnished by the department prior to moving the bees and/or regulated articles.

B. The applicant must furnish the department with a map showing the location of the bees and/or regulated articles to be moved. If the bees or regulated articles are at one or more apiaries, then a map showing each apiary where the bees or regulated articles are located must be submitted along with the application. Any relocation of any bees or regulated articles that are scheduled to be moved shall be provided to the department prior to or as soon as possible after the relocation.

C. The intrastate relocation of bees or regulated articles shall not require a certificate of inspection unless the bees or regulated articles are located in an area under a geographic or local quarantine or are under stop order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2307 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:930 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§513. Issuance and Use of Certificates of Inspection
(Formerly LAC 7:XXI.2509)**

A. No certificate of inspection shall be issued by the department for the movement of bees or regulated articles unless the bees or regulated articles come from apiaries that:

1. are not under a geographic or local quarantine or a stop order;
2. have been inspected at least once in the twelve months prior to the date of application for a certificate of inspection;
3. are free of American foulbrood infection; and
4. have effective control of any other disease or pest, if such an infestation is present.

B. Certificates of inspection shall not be issued to cover the shipment or movement of bees and/or regulated articles from an area that has been quarantined on account of American foulbrood infection until it has been determined by state entomologist that the American foul-brood infestation has been destroyed.

C. The issuance of a certificate of inspection by the department is discretionary if the applicant is not registered with the department, the colony or apiary to be inspected is not registered with the department, the applicant owes outstanding fines or fees to the department, the apiaries are not properly marked, or if the applicant is otherwise not in compliance with the apiary laws and regulations.

D. No certificate of inspection issued by the department shall be used to move bees or regulated articles from any apiary or other location not listed on the certificate of inspection.

E. All hives shall have removable tops and frames allowing inspection at all depths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2306, R.S. 3:2303, and R.S. 3:2307.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:931 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§515. Quarantines
(Formerly LAC 7:XXI.2515)**

A. As an exercise of the full and plenary power granted by statute to deal with all diseases and pests of bees the commissioner or the state entomologist may declare and enforce a geographic quarantine of any area of the state or from any regulated area when necessary to control, eradicate, or prevent the introduction, spread, or dissemination of a disease or pest.

1. A geographic quarantine shall contain a concise statement of the facts supporting the declaration of quarantine, the geographical area of quarantine, the date the quarantine is to begin, the objectives of the quarantine, the prohibitions and restrictions imposed by the quarantine, and any other special provisions.

2. The movement of bees or regulated articles from any quarantined area into non-quarantined areas of the state is prohibited except as provided by the terms of the geographic quarantine or by special permit of the commissioner or the state entomologist obtained prior to movement.

3. A geographic quarantine may be amended, lifted, or modified by written declaration of the commissioner or state entomologist.

4. A geographic quarantine and any amendment, lifting, or modification of such quarantine shall go into effect immediately upon being declared unless a later effective date is stated.

5. A geographic quarantine and any amendment to or lifting or modification of a geographic quarantine shall be published in the next available edition of the *Louisiana Register*.

B. The commissioner or the state entomologist may impose a local quarantine on specific apiaries, colonies, bees or regulated articles, or other specific location when necessary to control, eradicate, or prevent the introduction, spread, or dissemination of a disease or pest.

1. A local quarantine shall contain a concise statement of the facts supporting the declaration of quarantine, the beekeeper, the specific apiaries, colonies, bees or regulated articles, or location being quarantined, the date the quarantine is to begin, the prohibitions and restrictions imposed by the quarantine, and any other special provisions.

2. The movement of bees or regulated articles into or out of any apiary or location subject to a local quarantine is prohibited except as provided by the terms of the local quarantine or by special permit of the commissioner or the state entomologist obtained prior to movement.

3. A local quarantine may be amended, lifted, or modified by written declaration of the commissioner or state entomologist.

4. A local quarantine and any amendment, lifting, or modification of such quarantine shall go into effect immediately upon being declared unless a later effective date is stated.

5. A local quarantine and any amendment, lifting, or modification of such quarantine does not need to be published in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:931 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§517. Eradication Measures
(Formerly LAC 7:XXI.2517)**

A. All persons who know of or suspect an infestation or infection of any bees or regulated articles with any disease or pest shall immediately report such information to the department.

B. All colonies of bees infected with American foulbrood shall be destroyed by burning the frames, bees and combs in the presence of or by an agent or specialist of the department. Hive bodies and top and bottom boards saved from infected colonies shall be moved from the yard during the burning process or by a time prescribed by agents of the department and are to be scorched or properly treated to remove possible sources of reinfestation before re-use. Failure to adhere to this requirement shall result in destruction of all infected equipment including hive bodies, top and bottom boards.

C. Nuclei exposed to American foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

D. If any apiary or yard of bees has 4 percent or less American foulbrood infestation, as noted below, the infected colony(ies) shall be burned immediately and a stop order issued. This shall mean that a second inspection shall be made within 21-30 days to insure control of the disease. Where a second inspection is required, colonies shall not be moved except under special permit issued by the state entomologist.

Colonies in Apiary or Yard	AFB Infected Colony
01-25	1
26-50	2
51-75	3
75 or more	4

1. If over 4 percent of the colonies, but not more than four colonies in the case of over 100 colonies, in an apiary or yard are found to be infested with American foulbrood, the colonies shall be burned immediately and the apiary or yard shall be placed under a 21-30 day quarantine, during such time no drugs will be allowed to be fed to the bees. If after 21-30 days an inspection shows that the apiary or yard is found free from American foulbrood infestation, the quarantine shall be lifted. However, if American foulbrood is again found, an additional 21-30 day quarantine period shall

be enforced and infested colonies shall be burned immediately. An additional 60-day quarantine shall be enforced on any quarantined apiary or yard found to be treated with drugs to mask the infection.

E. All colonies of bees found infected with European foulbrood shall be requeened or treated within 30 days after infection is found. European foulbrood found in excess of 4 percent upon second inspection shall be quarantined until the disease is under control.

F. All other bee diseases and/or pests found that are considered detrimental to the honeybee industry shall be treated as prescribed by the state entomologist or his designee for the control of same. Bees or regulated articles infested with any pest or infected with any disease shall be subject to being placed under a quarantine and treated as determined by the commissioner and state entomologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2308, R.S. 3:2304 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:931 (May 2014), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§519. Penalties and Adjudicatory Proceedings
(Formerly LAC 7:XXI.2519)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2310 and R.S. 3:2303.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:517 (May 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:932 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**Chapter 7. Control of Fire Ants
(Formerly LAC 7:XXI.Chapter 27)**

**§701. Authority
(Formerly LAC 7:XXI.2701)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:932 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§703. Definitions of Words, Terms and Phrases
(Formerly LAC 7:XXI.2703)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:932 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§705. Scouting, Inspection, Control and Eradication
Authority
(Formerly LAC 7:XXI.2705)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:932 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§707. Quarantined Area
(Formerly LAC 7:XXI.2707)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2353 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:933 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§709. Regulated Products
(Formerly LAC 7:XXI.2709)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2353 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:933 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§711. Conditions Governing Movement of Regulated Products
(Formerly LAC 7:XXI.2711)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:933 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§713. Conditions Governing the Issuance of Certificates, Limited Permits and Dealer-Carrier Agreements
(Formerly LAC 7:XXI.2713)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§715. Assembly of Articles for Inspection
(Formerly LAC 7:XXI.2715)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014) repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§717. Cancellation of Certificates or Limited Permits
(Formerly LAC 7:XXI.2717)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§719. Waiver of Liability
(Formerly LAC 7:XXI.2719)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§721. Shipments for Scientific Purposes
(Formerly LAC 7:XXI.2721)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§723. Penalties
(Formerly LAC 7:XXI.2723)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2354 and R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

**§725. Effective Date
(Formerly LAC 7:XXI.2725)**

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:2351.

HISTORICAL NOTE: Adopted by the Department of Agriculture, June 1960, repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:934 (May 2014), repealed by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;

4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Ansel Rankins, Director of the Horticulture and Quarantine Programs, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3002, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on August 3, 2016. No preamble is available.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Honey Bees, Apiaries and Fire Ants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed changes to Rules 501, 503, 505, 507, 509, 511, 513(A), 513(C), 517, and 519 will not have a direct material effect on revenues or expenditures for state or local governmental units. The proposed rule changes are technical in nature and meant to clarify and streamline existing regulations regarding honeybees and apiaries. The entirety of Chapter 7, regarding the control of fire ants, will be repealed.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have a direct material effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to have a direct material effect on economic costs and/or an economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have a direct material effect on competition and employment.

Dane Morgan
Assistant Commissioner
1606#047

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Agricultural Commodities Commission**

**Agricultural Commodity Dealer and Warehouse Law
(LAC 7:XXVII.Chapter 1)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Agriculture and Forestry (“department”) and the Agricultural Commodities Commission (“commission”) intend to amend LAC 7:XXVII.101-111, 115, 119, 123, 128, 129, adopt §114 and repeal §§157 and 161. The proposed rules amend Chapter 1 by removing the language “bond” and replacing it with “security.” This is necessary because bonds are not the only type of security accepted by the commission. The proposed rules also remove language and requirements already set forth in title 3 of the *Revised Statutes*. Proposed §114 is new and sets forth guidelines for the temporary storage of commodities. Finally, the proposed amendments to §128 add a new service of vomitoxin testing and an associated fee.

Title 7

AGRICULTURE AND ANIMALS

Part XXVII. Agricultural Commodity Dealer and Warehouse Law

Chapter 1. Louisiana Agricultural Commodities Commission

Subchapter A. General Provisions

§101. Definitions

Adjudicatory Proceeding—an open public hearing by the commission to determine whether violations of R.S. 3401-3425 or the regulations contained in this Part have occurred. Such proceedings are conducted in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.).

* * *

Scale Ticket—the document issued to a producer when agricultural commodities are delivered to a warehouse or grain dealer.

Security—any financial instrument or document issued for the benefit of or given to the commission by a licensee or participant in any self-insurance fund program authorized by R.S. 3:3402 et seq., as assurance for the fulfillment of the obligations imposed on the licensee by applicable law or regulations.

Spot or Spot Sale—a transaction where title to agricultural commodities passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

Storage—the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities belonging to any person other than the owner of the warehouse. The term storage does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

Temporary Storage—storage of a commodity for a temporary period of time in a space approved by the commission which does not meet standard requirements for conventional storage.

Warehouse—any building, structure, or any other protected enclosure required to be licensed by the commission in which agricultural commodities or farm products are stored for the public for a fee. The term includes facilities which commingle commodities belonging to different owners and facilities which preserve the separate identities of different lots of agricultural commodities.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3402 and R.S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agricultural, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:284 (May 1983), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:287 (May 1986), LR 19:1300 (October 1993), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:624 (April 1998), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:494 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§103. Administration of the Affairs of the Commission

A. The officers of the commission shall be a chairman and a vice-chairman, who shall serve for terms concurrent with the commissioner, but may be elected for an indefinite number of terms.

B. After the initial election of officers, the chairman and vice-chairman shall be elected at the commission's regular meeting during the first quarter of each year.

C. In the absence of the chairman at any meeting of the commission, the vice-chairman shall preside.

D. The commission shall hold at least one regular meeting during each quarter of the year, but may meet more frequently upon the call of the chairman.

E. Meetings of the commission shall normally be held in its domicile but may be held at other locations upon the determination of the chairman or the will of the commission.

F. There shall be no voting by proxy.

G. The chairman shall designate a hearing officer, who may or may not be a member of the commission, to preside

at all adjudicatory proceedings of the commission. The chairman may, if he so desires, serve as hearing officer at any adjudicatory proceeding.

H. The commission shall serve as the hearing body in all adjudicatory proceedings and shall make the final determination with regard to the disposition of all matters coming to adjudication.

I. The director shall provide clerical and other support services as may be required by the commission and shall maintain and distribute appropriate minute records of the commission.

J. No member of the commission shall participate in any discussion or vote concerning any matter before the commission in which such member has a personal or commercial interest.

K. No member of the commission or the staff shall disclose any financial information pertaining to any licensee or applicant for license.

L. The commission may, from time to time, delegate any of its responsibilities to subcommittees appointed by the chairman. Such subcommittees may perform such specific duties as may be assigned by the chairman but all actions of such subcommittees shall be subject to ratification by the full commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agricultural, Agricultural Commodities Commission, LR 9:287 (May 1983), amended 12:287 (May 1986), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:624 (April 1998), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:494 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter B. Application for Warehouse, Grain Dealer and Cotton Merchant Licenses

§107. Application for License (Initial and Renewal); Time for Filing; Contents; Fees; Style of Document

A. Applications for renewal of warehouse, cotton merchant and grain dealer licenses shall be received no later than April 30 of each year. Applications for initial license may be filed at any time during the year. For both initial and renewal licenses, the following information shall be furnished on the application form provided by the commission:

1. - 14.e. ...

15. security status of the applicant:

a. amount of security posted;

b. name and address of issuing company providing the security;

c. period for which the security is written;

16. - 24. ...

B. - C.

D. Each applicant shall also provide the following information, in addition to completing the required application form and providing a financial statement:

1. evidence of security which meets the requirements set forth in §115 of this Part (warehouse license applicants), §123.G of this Part (grain dealer license applicants) or R.S. 3:3411.1 (cotton merchant license applicants);

2. evidence of provisional stock insurance which meets the requirements set forth in §117 of this Part (warehouses) or §123 of this Part (grain dealers);

3. copy of scale ticket. Applicants who do not use scale tickets in their business operations shall certify to that effect in lieu of filing a scale ticket;

4. applicants who apply under corporate status shall provide evidence of compliance with Louisiana's corporation laws.

E. ...

F. All licenses shall signify on the face the following information:

1. name and address of licensee;
2. if a cotton merchant or grain dealer, the location of the principal place of business;
3. if a warehouse, the licensed capacity of the location covered by the license;
4. amount of security;
5. term of license.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3408, R.S. 3:3409, R.S. 3:3410, R.S. 3:3411 and R.S. 3:3411.1.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:289 (May 1983), amended LR 10:75 (February 1984), LR 11:229 (March 1985), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:287 (May 1986), LR 19:1300 (October 1993), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:624 (April 1998), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:497 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§109. Grounds for Refusal to Issue or Renew a Warehouse, Cotton Merchant, or Grain Dealer License

A. - A.4. ...

5. the applicant has not or cannot provide the security required by R.S. 3:3401-3425;

A.6. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3412.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:293 (May 1983), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:287 (May 1986), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:625 (April 1998), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:499 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter C. Warehouse Licenses

§111. Requirements Applicable to All Warehouses

A. - I. ...

J. The warehouse shall meet all security and insurance requirements set forth in §§115 and 117 of this Part prior to issuance of the license. Failure to maintain the required security and insurance in full force and effect for the license period shall subject the licensee to revocation of its license.

K. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3409, R.S. 3:3410 and R.S. 3:3420.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:294 (May 1983), amended LR 11:229 (March 1985), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 19:1301 (October 1993), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:499 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§114. Temporary Storage Facilities

A. Temporary storage facilities may be approved by the commission on a case by case basis. Temporary storage may only be operated in conjunction with an existing, licensed warehouse and the capacity to be approved shall be compatible with the warehouseman's operational and financial capabilities.

B. A warehouseman who desires to store commodities in temporary storage shall make written application to the commission for approval of temporary storage prior to placing any commodity in temporary storage. The warehouseman shall advise the commission of his intent to use temporary storage, with an application indicating location, construction, quantity to be stored and estimated time of storage.

C. Application for approval of temporary storage shall be made only after completion of the temporary storage structure. All temporary storage structures approved by the commission must comply with each of the following.

1. Rigid, self-supporting sidewalls shall be used.
2. An asphalt or concrete floor or other suitable hard surface shall be used to preserve the quality and quantity of commodities.
3. Proper covering shall be provided which shall preclude exposure of the commodities to normal exposure of all weather conditions.
4. The space shall have necessary equipment such as a leg, conveyers, portable augers, or vaculators for handling, receiving, and loading out of the commodities. All storage units shall have either empty storage space to turn and condition the commodities or be equipped with proper ventilation such as air ducts and ventilation fans to keep the commodities from going out of condition.
5. The space shall be immobile.

D. Any warehouseman approved to use temporary storage must comply with all of the following:

1. meet inspection, security, net worth and insurance requirements required for a conventional warehouse license;
2. maintain a separate record of total commodities stored in temporary space in addition to accounting for the commodities in the daily position record;
3. make the space intended for use as temporary storage accessible for examination by the commission, the department, or their designees.

a. If ready access for inspection purposes is not available to the temporary structure, the warehouseman at the examiner's discretion shall remove the covering or any part of it as required by the examiner to determine quality, condition, and quantity of the commodities in storage.

b. If the warehouseman and the examiner are not in agreement as to the quality of the commodities, the examiner with the assistance of the warehouseman shall take samples of the mass, agreeable to both, and submit at the warehouseman's expense to the nearest GIPSA or GIPSA-designated or delegated office for grading.

c. The examiner shall issue written notice to the warehouseman for any temporary storage facility which no longer meets requirements. Failure of the warehouseman to place the facility in a suitable condition within a reasonable length of time shall result in the facility being eliminated from coverage from the warehouse approval.

E. All commodities shall be removed from temporary storage by the following June 1, except as provided in this Subsection. Failure to remove commodities by June 1 shall constitute a violation of this Part unless an extension is granted as provided in this Subsection.

1. A warehouseman may continue to store commodities in temporary facilities beyond June 1, provided:

a. application to continue use of temporary storage shall be made in writing by the warehouseman by May 1 or 30 days before the expiration of any extension. The commission or its designee shall inspect the temporary storage facility prior to granting the extension;

i. based on a visual examination of the temporary structure and observation of the commodities for quantity and quality, the examiner shall report to the commission his findings and recommendation regarding continued approval and/or detailing problems that shall be considered before an extension is granted. Adverse conditions shall be reported by telephone to the commission within 24 hours and in writing within three business days;

b. the time granted on any extension shall not exceed six months;

c. any approved extension shall be in writing, provide the date the extension shall end and be signed by the warehouseman.

2. If the warehouse chooses to continue using the temporary storage for company-owned commodities after June 1, the warehouse operator shall:

a. remove that quantity of the commodity from the warehouse's official records;

b. not use the commodity to cover the storage or warehouse receipted obligations of the warehouse; and

c. agree that the quantity will not be included in any warehouse examination conducted by CCC.

F. The licensing of a temporary storage space in no way relieves the warehouseman of any other obligations for warehousemen set forth in R.S. 3:3401 et seq., or LAC 7:XXVII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3409.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§115. Security Required for Warehouse License; Provisions Relative to Licensed Capacities

A. Each applicant shall execute and file security, on forms provided by the commission, which security shall be issued by a company authorized to do business in Louisiana prior to issuance of the license.

B. The security shall be conditioned upon:

1. the faithful performance of all duties and obligations to patrons of the warehouse; and

2. compliance with all requirements of R.S. 3:3401-3425 and the regulations contained in this Part.

C. The amount of the security shall be established on the basis of the capacity of the warehouse to be licensed.

1. The commission shall establish capacity records for all licensed facilities. Whenever there is a discrepancy between the capacity claimed by the applicant and the commission's capacity figures for the applicant, the security to be required shall be determined by the commission's capacity figures. A licensee may, however, appeal the decision of the commission whenever it disagrees with the capacity figures established by the commission for its facility.

2. All facilities which commingle agricultural commodities shall secure 100 percent of their available capacity, subject to the exemptions contained in §115.C.5 and 6 of this Part.

3. Facilities which store identity-preserved commodities may, with the prior approval of the commission, secure 75 percent of their available capacity. In such event, the amount of the security shall be increased if commodities in storage exceed the licensed capacity.

4. All capacity under one roof shall be secured.

5. Outside tanks which are used solely for storage of company-owned commodities are not required to be secured.

6. Buildings which are used solely for storage of company-owned commodities are not required to be secured.

D. The amount of the security shall be as follows:

1. \$0.20 per bushel for the first 1,000,000 bushels of licensed capacity—up to \$200,000 for a licensed capacity of 2,000,000 bushels;

2. plus \$0.15 per bushel for the second 1,000,000 bushels of licensed capacity—a total of \$350,000 for a facility with a licensed capacity of 2,000,000 bushels;

3. plus \$0.10 per bushel for all bushels over 2,000,000 bushels up to 3,500,000 million bushels of licensed capacity—a maximum of an additional \$150,000.

E. The amount of security shall not be less than \$25,000 for all facilities of 125,000 bushels or less licensed capacity.

F. Maximum security of \$500,000 is required for all facilities of 3,500,000 or more bushels of licensed capacity.

G. All security shall be written for a period of one year, beginning on July 1, or for such other period of time as the commission may require.

H. All security shall provide for at least 90 days written notice to the commission prior to cancellation.

I. All security is subject to final approval by the commission and shall be so approved prior to issuance of the license.

J. Provisions for Security

1. The commission may accept security in an amount equal to 100 percent of the required security.

2. Security may be offered only by:

a. pledging of certificates of deposit;

b. filing of an irrevocable letter of credit, which shall be non-cancelable for a period of one year;

c. securing a first mortgage on immovable property which is located in Louisiana and which has an appraised value of at least 150 percent of the amount of the security.

The appraisal shall be made by an independent appraiser jointly designated by the commission and the applicant. The applicant shall provide a title insurance policy issued by a company authorized to do business in Louisiana in the amount of the required security with the commission being an insured under the policy. The applicant shall pay all fees involved in providing such security;

d. a bond.

3. Security is subject to the approval of the commission. Approval is required prior to issuance of a license.

4. All security instruments shall be assigned to the commission and maintained in the commission's office in Baton Rouge. Holders of certificates of deposit will continue to draw the interest thereon.

5. Whenever any warehouse ceases to operate as a licensed warehouse, the security shall be retained by the commission:

a. until public notice, as herein required, is made; and

b. until completion of a final audit, which final audit shall be completed in not more than 120 days. Public notice of the commission's intent to release the security shall be made by publication in a newspaper of general circulation in the area where the licensee is located, as follows:

i. if there is a daily newspaper in the area, such notice shall be published at least three times, beginning at least 15 days prior to the date on which the commission will release the security;

ii. if there is no daily newspaper in the area, such notice shall be published in a weekly newspaper and shall be published once each week for the three weeks preceding the date on which the commission will release the security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and 3:3410.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:297 (May 1983), amended LR 10:75 (February 1984), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 19:1301 (October 1993), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:500 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§119. Amendment to License Required When Change of Status Occurs

A. - C.4. ...

D. Whenever the licensed capacity of a facility changes, the security required under §115 of this Part shall be changed within 45 days to conform to the new capacity. Failure to amend the security as required herein will subject the licensee to revocation of its license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3410.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:299 (May 1983), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 19:1301 (October 1993), amended by the Department of Agriculture and

Forestry, Agricultural Commodities Commission, LR 37:501 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter D. Grain Dealers

§123. Requirements Applicable to All Grain Dealers

A. - F. ...

G. The applicant shall execute and file security, on forms provided by the commission, which is written by a company authorized to do business in Louisiana. The security shall be in an amount of \$50,000 and shall provide for 90 days written notice to the commission prior to cancellation. The security shall be conditioned upon:

1. the faithful performance of all duties and obligations to producers; and

2. compliance with all requirements of R.S. 3:3401-3425 and the regulations contained in this Part. The security is subject to the approval of the commission and shall be so approved prior to issuance of the license. Failure to keep the security in full force and effect shall subject the grain dealer to suspension or revocation of its license.

H. Security Required

1. Security may be offered only by:

a. pledging of certificates of deposit or other similar negotiable instruments; or

b. filing of an irrevocable letter of credit, which shall be non-cancelable for a period of one year; or

c. securing a first mortgage on immovable property which is located in Louisiana and which has an appraised value of at least 150 percent of the amount of the bond. The appraisal shall be made by an independent appraiser jointly designated by the commission and the applicant. The applicant shall provide a title insurance policy issued by a company authorized to do business in Louisiana in the amount of the required bond with the commission being an insured under the policy. The applicant shall pay all fees involved in providing such security; or

d. a bond.

2. All security instruments shall be assigned to the commission and will be maintained in the commission's office in Baton Rouge. Holders of certificates of deposit will continue to draw interest thereon.

3. Whenever any grain dealer ceases to operate as a licensed grain dealer, security shall be retained by the commission:

a. until public notice, as herein required, is made; and

b. until completion of a final audit, which final audit shall be completed in not more than 120 days. Public notice of the commission's intent to release the security shall be made by publication in a newspaper of general circulation in the area where the licensee is located as follows:

i. if there is a daily newspaper in the area, such notice shall be published at least three times, beginning at least 15 days prior to the date on which the commission will release the security;

ii. if there is no daily newspaper in the area, such notice shall be published in a weekly newspaper and shall be published once each week for the three weeks preceding the date on which the commission will release the security.

4. Security is subject to the approval of the commission and shall be approved prior to issuance of the license.

I. The applicant shall demonstrate a net worth which is reasonably sufficient to assure its ability to meet its obligations to producers. The commission shall be the final judge of the sufficiency of each applicant's net worth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3411.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 9:301 (May 1983), amended LR 10:75 (February 1984), LR 12:287 (May 1986), LR 35:2311 (November 2009), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:502 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter E. Assessments and Fees

§128. Fees: Amount, Time of Payment

A. - C.3. ...

4. Official Services (including sampling except as indicated)

Online D/T sampling inspection service (sampling, grading and certification), per regular hour	\$26
Overtime hourly rate, per hour	\$39
Unit Inspection Fees:	
Aflatoxin Testing, per sample	\$30
Rail Car, per car	\$20.50
Truck/Trailer, per carrier	\$10
Barge, per 1,000 bushels	\$2.60
Submitted sample inspection	\$12.30
Rail Car (per sample)	\$10.30
Truck/Trailer (per sample)	\$5.30
Barge (per sample)	\$25.30
Factor only determination, per factor (not to exceed full grade fee)	\$5.20
Probe Sampling Barge (per barge)	\$100
On-Line Sampling Barge (per hour)	\$20
Vomitoxin test (applicant supplies kit)	\$25
Vomitoxin test (LDAF supplies kit)	\$35

D. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3414.3 and R.S. 3:3422.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:287 (May 1986), amended LR 14:528 (August 1988), LR 19:889 (July 1993), LR 23:196 (February 1997), LR 27:815 (June 2001), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Agricultural Commodities Commission, LR 30:197 (February 2004), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:504 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter F. Scale Tickets

§129. Scale Tickets: Filing, Contents, Maintenance in Records

A. Immediately upon deposit with a licensed warehouse or a licensed grain dealer of any agricultural commodity or farm product regulated under R.S. 3:3401-3425, the

warehouse or grain dealer shall issue a scale ticket to the depositor which conforms to the requirements of this rule. Warehouses licensed under the U.S. Warehouse Act may use scale tickets approved by the federal licensing agency.

B. Scale tickets shall be sequentially pre-numbered and shall be issued to depositors in numerical order. Different scale ticket books may be used for different scales.

C. Each scale ticket shall consist of an original and at least one copy. The original or a copy of the scale ticket shall be maintained in numerical order in the licensee's records and shall be available for examination by the commission at all times.

D. Whenever a scale ticket is voided, all copies shall be so marked, dated, and signed by an authorized agent of the warehouse or grain dealer, and all copies of the voided scale ticket shall be maintained in the warehouse or grain dealer's records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3415, and R.S. 3:3419.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 9:304 (May 1983), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 37:504 (February 2011), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

Subchapter M. Schedule of Inspections; Voluntary Inspection

§157. Prompt Payment for Rice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3414.2 and R.S. 3:3405.

HISTORICAL NOTE: Promulgated the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 12:288 (May 1986), repealed by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 42:

§161. Agricultural Commodities Commission; Self-Insurance Fund

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 19:1303 (October 1993); repealed LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Kyra Fitzgerald, Director of the Louisiana Agricultural Commodities Commission, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 5000, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on August 3, 2016. No preamble is available.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Agricultural Commodity Dealer and Warehouse Law

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in an indeterminable increase in SGR expenditures for the LA Dept. of Agriculture & Forestry (LDAF) to the extent that individuals or entities require vomitoxin testing. Revisions to the fee schedule outlined in Rule 128 include vomitoxin testing as an official service performed by LDAF. The department reports that the fee charged to perform vomitoxin testing will fund any associated expenditures.

Proposed Rule 114 outlines practices for temporary commodity storage facilities, including application, approval, certification, and inspection by personnel from the LA Dept. of Agriculture and Forestry. The department reports that provisions for temporary storage facilities fall under current practice for permanent storage facilities, and LDAF will undertake duties associated with the temporary storage facilities utilizing existing personnel and resources.

Revisions to Rule 101 add definitions. Revisions to Rules 103, 129, and 161 remove duplicative language that is presently included in statute. Revisions Rules 107, 109 111,115, 119, 123, and 128 remove references to “bonds” and instead replace them with references to “securities.” The revisions to these rules are technical in nature and have no expenditure impact.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revisions to Rule 128 allow persons in the grain industry the option to request vomitoxin testing for a fee. The proposed rule may increase revenue for LDAF, as the proposed rules include a \$35 fee associated with vomitoxin testing if the department supplies the testing kit and a \$25 fee if the applicant supplies the kit. To the extent persons apply for vomitoxin testing, LDAF will see a net increase in revenues. Furthermore, removal of Starlink TM testing and re-inspection of grain samples as official services will have no revenue impact, as the department reports that these services are outdated and no longer performed. The remaining rule changes will not have an impact on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will only result in a cost for those in the industry that require the service of vomitoxin testing. Vomitoxin testing is not a required service but strictly a voluntary, requested service by certain agricultural production industries. The remaining rule changes will not result in costs or economic benefits for persons or non-governmental groups. Furthermore, revisions replacing references to “bonds” with references to “securities” will allow greater options for individuals who must post some form of security in their dealings with LDAF.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will only result in a cost for those in the industry that require the service of vomitoxin testing. Vomitoxin testing is not a required service but strictly a voluntary, requested service by certain agricultural production industries. The remaining rule changes will not result in costs or economic benefits for persons or non-governmental groups. Furthermore, revisions replacing references to “bonds” with references to “securities” will allow greater options for individuals who must post some form of security in their dealings with LDAF.

Dane Morgan
Assistant Commissioner
1606#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

Indian Creek Recreation Area (LAC 7:XXXIX.Chapter 5)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through authority granted in accordance with Act 591 of 1970 and R.S. 3:4402, notice is hereby given that the Department of Agriculture and Forestry (“department”), through the Office of Forestry, intends to repeal LAC 7:XXXIX.501 and adopt LAC 7:XXXIX.501-543 in order to establish regulations for the use of the Indian Creek Recreation Area. The proposed rules also set forth the fees for use of the Indian Creek Recreation Area.

Title 7
AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 5. Indian Creek Recreation Area

§501. General Authority and Purpose

A. The following rules and regulations, procedures and fees replace, supersede and cancel all rules and regulations, procedures and fees adopted by the Department of Agriculture and Forestry prior to the effective date of these rules.

B. These rules and regulations are designed to provide the proper atmosphere for the enjoyment and protection of facilities and the safety of visitors.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§503. Park Property and Environment

A. The provisions of the *Louisiana Criminal Code* (R.S. 14:1 et seq.) shall be enforced at the Indian Creek Recreation Area.

B. No person shall intentionally remove, damage, disturb, or destroy any Indian Creek Recreation Area property or the property of another person, without the consent of the owner. "Property" shall include but is not limited to structures, watercraft, movables, signs, markers, natural features, cultural features, wildlife, and plants.

C. No person shall cut, destroy, or damage timber on any site, except as necessary to meet established management criteria, including insect control, public safety, and approved park construction. No timber cutting or removal may occur without the prior written permission of the commissioner of Agriculture and Forestry or his designee.

D. No building, structure, or other feature of any site may be altered, erected, or constructed without written consent of the commissioner of Agriculture and Forestry or his designee.

E. Smoking is prohibited in all enclosed structures.

F. No person shall excavate, remove, damage, or otherwise alter or deface any cultural or archaeological resource located on any site.

G. No person shall plant material or otherwise introduce plant material on any site without the written approval of the commissioner of Agriculture and Forestry or his designee.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§505. Vehicle Use

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced at the Indian Creek Recreational Area property.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, golf carts or any other wheeled vehicles must be operated only on those roads, lanes, or byways designated for vehicular traffic unless otherwise authorized by the site manager.

C. Vehicles, including recreational vehicles, motorcycles, golf carts and boat trailers, shall be parked only in designated parking areas unless otherwise authorized by the site manager.

D. No motor vehicle shall be operated without being properly licensed by the appropriate regulatory agencies. However, persons with mobility disabilities may use single-passenger, wheeled devices powered by electric motors wherever pedestrians are allowed.

E. No person shall clean, service and/or repair any vehicle on Indian Creek Recreational Area property except in emergency situations.

F. Vehicles will be considered abandoned if left unattended for more than three consecutive days unless the proper permit or advanced written approval is granted by the site manager.

G. No person shall move or remove any barrier to gain access to a restricted area.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§507. Watercraft

A. Federal, state, and local laws, rules and ordinances related to the use of watercraft shall be enforced. All watercraft located on or adjacent to any site must be operated in a careful and reasonable manner, and such operation is subject to the rules of safety imposed by the laws of Louisiana.

B. Every owner and operator of a motor boat, vessel or other watercraft shall comply with all flotation device requirements prescribed by state and federal law.

C. Boats shall be launched only from designated boat ramps or launching areas within a site.

D. A person renting a boat must return the boat to the original docking location after use, and secure the boat from unauthorized use. All paddles and life jackets shall be returned to the front office before closure.

E. No boat may be operated in a designated swimming area or in any other area designated as a non-boating area by signs or any area otherwise restricted from boat operation or docking.

F. Boats left docked and unattended must be properly secured in designated areas only. The Department of Agriculture and Forestry will not be responsible for any loss, theft or damage to boats, equipment, personal property or supplies left unattended.

G. Boats will be considered abandoned if left unattended for more than three consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. Water bodies or portions thereof adjacent to boat ramps, docks, swimming areas, boathouses, cabins, picnic pavilions, or other facilities shall be designated "no wake areas." Signs and/or buoys will mark the areas so designated. Violations of "no wake areas" shall be subject to citations.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§509. Livestock, Animals and Pets

A. Any pet brought on Indian Creek Reservation Area property must be current in vaccinations, shall have proof of rabies vaccination, and must be leashed, caged or crated. Leashes shall not exceed 6 feet in length. With the exception of service dogs, pets are not permitted within buildings or

other enclosed structures on site, nor are they allowed near designated swimming areas and in overnight facilities. Owners of pets shall be fully responsible for any injury and/or damage caused by their pet.

B. No person shall allow livestock to run or graze on any site, except as part of special programs or events approved in advance by the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§511. Litter, Sanitation and Health

A. All litter disposed of on site, shall be placed into a proper litter receptacle in such a manner that the litter is prevented from being carried away or deposited by the elements upon Indian Creek Recreation Area property or water bodies. *Disposal* means to throw, discard, place, deposit, discharge, dump, drop, eject, or allow the escape of a substance.

B. No person shall drain or dump refuse waste including grey water from any trailer or other vehicle except in places or receptacles provided for such uses.

C. No person shall clean fish or other food, or wash clothing or articles of household use except in designated areas. No person shall clean or field dress any harvested animal or animals on Indian Creek Recreation Area property.

D. No person shall discharge or allow to be discharged into any waters of the state any waste or substance of any kind that will tend to cause pollution of water used for human consumption or swimming.

E. All deposits of bodily wastes into or on any portion of a comfort station or other public structure must be made in receptacles provided for that purpose. No person shall deposit any bottles, cans, cloth, rags, metal, wood, stone, or any other non-approved substance into any of the fixtures in such stations or structures.

F. No person shall use refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a site.

G. No person shall bury or burn garbage, litter or dead animals on Indian Creek Recreation Area property.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§513. Fires

A. Fires shall be built only in places specifically designated for that purpose by the site manager.

B. Burn bans declared by a local governing authority shall be observed at the parks within the jurisdiction of the local governing authority.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§515. Fishing, Hunting, Trapping, and the Use of Firearms or Fireworks

A. All wildlife in Indian Creek Recreational Area sites, including reptiles and amphibians, is under strict protection and must not be hunted, molested, disturbed, destroyed, fed

or removed, except for scientific or management purposes when approved by the commissioner of Agriculture and Forestry or his designee.

B. Bringing or keeping any hunting dogs on Indian Creek Recreation Area property for the purpose of hunting inside or adjacent to Indian Creek Recreation Area is prohibited.

C. A person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of Indian Creek Recreation Area.

D. No person shall possess, shoot, discharge or explode or cause to be shot, discharged, or exploded any fireworks or other explosives on Indian Creek Recreation Area property without prior written consent of the site manager.

E. A person fishing on Indian Creek Recreation Area property must adhere to all state and federal laws and criteria regarding fresh water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited.

F. Weapon-like toys (paintball maker, airsoft, etc.) that use compressed air or gases from any cartridge, canister or bottle and/or battery power to fire a projectile are prohibited from use at Indian Creek Recreation Area sites properties without prior written approval of the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§517. Swimming

A. Swimming is permitted only in designated areas, and at the swimmer's own risk. No lifeguards will be on duty.

B. All children under 12 years of age must be accompanied by an adult at any swimming area (deleted "or water playgrounds").

C. The capacity of the beach areas is determined, regulated and enforced by the site manager.

D. Glass containers of any kind are prohibited within any perimeter boundaries of enclosed beach and swimming areas, water playgrounds and beach parks.

E. Swimming is prohibited between sunset and sunrise.

F. Proper swimming attire, as determined by the site manager or his designee, is required for those entering the water at all swimming areas and water playgrounds.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§519. Amplified Sound Equipment

A. No person shall play amplified musical instruments except when approved by the site manager.

B. No person shall play non-amplified musical instruments, radios, televisions, tape players and similar equipment in a manner that disturbs other visitors.

C. No person shall use any public address system, whether fixed, portable, or vehicle-mounted, without prior approval of the site manager.

D. Remote public broadcast activities must be approved by the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§521. Disorderly Conduct

A. Disorderly or boisterous conduct is forbidden.

B. The site manager and his designees are authorized to control the use and consumption of alcoholic beverages at a site. This includes the authority to prohibit the consumption of alcohol in designated areas within a site. The lawful consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the site by other site users.

C. No person shall publicly display on his vehicle, campsite, clothing, person or otherwise:

1. any word or words, image, graphic or depiction that is obscene (as defined by R.S. 14:106);

2. denigrates any ethnic, racial, religious or minority group; or

3. promotes violence or illegal activity.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§523. Business Activities

A. No person may sell or offer for sale any merchandise or service without the written consent of the site manager.

B. No person may distribute, post, place, or erect any advertising device without the written consent of the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§525. Enforcement

A. Persons violating these rules and regulations are subject to administrative sanctions to include fines for each violation, eviction from the site, and/or restitution to the department for damages incurred. If a person is delinquent in paying for damage incurred, the department reserves the right to refuse privileges to that person pending receipt of such restitution.

B. No person shall enter a site:

1. when the site is closed; or

2. without proper registration.

C. Site visitors may be required to furnish specific information upon registration, including but not limited to, vehicle license plate number and a driver's license number.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§527. Overnight Use

A. General Provisions

1. Any use of a site requires a written permit or payment receipt. Proof of payment shall be presented to a Department employee upon request.

2. Permittee may not transfer or assign any use permit nor sublet any facility or part thereof.

3. The site manager has the authority to require the registration of every person occupying a campsite or overnight facility.

4. Any permit may be terminated by the site manager upon the violation of any established rule, regulation, or any condition of the permit.

5. Lock combinations on entrance gates are issued for the personal use of the permittee, who is prohibited from allowing others to use the lock combination, or otherwise making the facilities open so that others not covered by the permit may enter or leave the facility or area.

6. Established time schedules (check-in and check-out) are strictly enforced. Failure to comply without advanced approval of the site manager may result in additional charges and denial of any future use of the facility.

7. Overnight users must maintain a reasonably quiet facility between the hours of 10 p.m. and 7 a.m. No generators are allowed to be operational in the improved area of the Indian Creek Recreational Area between the aforementioned hours.

8. Overnight users shall not erect or display unsightly or inappropriate structures or features which, in the opinion of the site manager, may create a disturbing or otherwise unpleasant condition detrimental to the general site use.

9. No permittee may repair or install any site equipment or furnishings unless authorized and supervised by the site manager.

10. No person shall be permitted to reside at Indian Creek Recreation Area without written approval of the commissioner.

11. Parking for boat trailers and additional vehicles may be allowed at the discretion of the site manager or his designee, subject to individual site suitability for such purposes.

12. Permittees waive and release all claims against the state of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

B. Camping

1. With the exception of a campground host and campsites reserved at the 30 day off-season rate, overnight camping is limited to 14 consecutive days. After 14 consecutive days of occupancy at a site, the visitor must vacate the site for seven consecutive days before occupancy may be resumed. During winter rental (November 1-February 28), a camper may occupy a site for 30 or more days at a time. However, at the site manager's discretion, and subject to availability, overnight camping may be extended on a weekly basis. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

2. Indian Creek Recreation Area is intended for tents and recreational vehicles only. The term "recreational vehicles" includes but is not limited to camper trailers, travel trailers and 5th wheel trailers but does not include ATVs.

3. Campsite occupancy is limited to six persons. At designated group camping areas occupancy limits are set by the site manager or his designee.

4. The following are to be used as general guidelines to define a camping unit by the site manager or his designee:

a. one camper with additional vehicle and one large tent or two small tents;

b. two vehicles and tent combinations not to exceed three tents.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§529. Fees and Emergency Closing

A. The use of Indian Creek Recreation Area is subject to charges which will be imposed by the manager according to the schedule of fees approved by the department. The manager or his agents are responsible for the collection and enforcement of these fees.

B. The commissioner or his authorized agent may direct the closing of Indian Creek Recreation Area to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the site to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§531. Fees and Exemptions; Day-Use Fees

A. General Admission Day-Use Entrance Fees

1. The day-use fee at Indian Creek Recreational Area is \$7 per vehicle.

2. A self-service fee system may be used to collect user fees.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§533. Fees and Exemptions; Miscellaneous Services and Facilities Fees

A. Boating

1. The standard rate for rental flat bottom boats with life jackets and two paddles is \$30 per boat per day. Additional life jackets are available at a rental fee of \$1 each per day.

2. Canoes may be rented for \$30 per canoe, per day. Kayaks and paddle boats may be rented for \$30 per vessel, per day. All fees include paddles and life jackets.

B. Group Rental Pavilions

1. Exclusive use of a group pavilion can only be made by a rental permit and payment of a rental fee. The group pavilion can be reserved in advance with payment of the rental fee.

2. The pavilion rental rate is \$100 per day.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§535. Fees and Exemptions; Exemptions/Discounts

A. Veterans. A veteran of the armed forces of the United States who shows proof of same and any person(s) accompanying him in a single, private, non-commercial vehicle, may receive a 10 percent discount on and camp site rental fees. There is no discount on the general entrance fee, winter rates or other rental rates (kayaks, boats, etc.).

B. School Groups. Any child who is on a field trip conducted as part of the curriculum of the school and any

classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any site.

C. Senior Citizens. Any person age 50 or older may receive a 10 percent discount on camp site rental fees. There is no discount on the general entrance fee, winter rates or other rental rates (kayaks, boats, etc.).

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§537. Fees and Exemptions; Special Promotions

A. From time to time, as deemed appropriate by the commissioner of Agriculture and Forestry or his designee, special programs, occupancy regulations, discounts or waivers on user fees may be offered in order to encourage visitation. These special promotional offers must be reviewed and reauthorized annually.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§539. Fees and Exemptions; Overnight Use

A. Camping

1. Regular Campsite. A regular campsite rents for \$18 per night during the winter season (November 1-February 28) and \$22 per night during the summer season (March 1-October 31). A regular waterfront campsite rents for \$22 per night during the winter season (November 1-February 28) and \$28 per night during the summer season (March 1-October 31).

2. Pull-Thru Campsite. A pull-thru campsite consists of two sites.

a. Pull-Thru Non-Waterfront Single Campsite. A pull-thru single non-water front campsite rents for \$18 per night during the winter season (November 1-February 28) and \$22 per night during the summer season (March 1-October 31).

b. Pull-Thru Non-Waterfront Double Campsite. A pull-thru non-water front double campsite rented for use by a single tenant camper rents for \$32 per night during the winter season (November 1-February 28) and \$42 per night during the summer season (March 1-October 31).

c. Pull-Thru Waterfront Single Campsite. A pull-thru waterfront single campsite rented for use by a single tenant camper rents for \$22 per night during the winter season (November 1-February 28) and \$28 per night during the summer season (March 1-October 31).

d. Pull-Thru Waterfront Double Campsite (ultra pull-thru). A pull-thru waterfront double campsite rented for use by a single tenant camper rents for \$42 per night during the winter season (November 1-February 28) and \$54 per night during the summer season (March 1-October 31).

3. Full Hook-Up. A full hook-up campsite rents for \$42 per night during the winter season (November 1-February 28) and \$54 per night during the summer season (March 1-October 31).

4. Primitive Area. A primitive area campsite rents for \$14 per tent per day.

B. Rally camping areas are those designated and reserved for use by organized groups of overnight campers in the primitive area of the campsite.

1. Fees—Rally Camping

a. A fee of \$50 per night is assessed to the group for the exclusive use of an area. Rally camping is available for tent camping in the primitive area of the campsite only.

C. Thirty-Day Off-Season Rates (available November 1-February 28 only)

1. A fee of \$270 is assessed for use of a non-waterfront single campsite for 30 days.

2. A fee of \$375 is assessed for use of a single waterfront campsite for 30 days.

D. A fee of \$5 per night is assessed for hook-up to the sewerage connection.

E. The fees set forth in this Section shall become effective October 1, 2016.

F. Online or telephone payments of the fees set forth in this Chapter may be subject to a credit card transaction fee.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§541. Reservation Policy

A. General Provisions

1. Reservations may be made for Indian Creek Recreational Area for an allotted number of campsites as determined by the site manager. A non-refundable service fee is charged for all reservations.

2. Reservations are accepted only from persons 18 years of age or older. All persons under 18 years of age must be accompanied by adults when using reserved facilities.

3. Payment must be made in full at the time the reservation is made.

4. Cancellation of a reservation initiated by the site user and made up to 48 hours prior to the date of arrival will incur a one night charge. No cancellations will be accepted 48 hours prior to the date of arrival. A transfer of reservation dates will be treated as a cancellation and a new reservation, and is therefore subject to the cancellation policy. There is no charge to transfer a reservation from one site to a different site on the same dates. Requests for waivers of the cancellation fee must be made in writing to the commissioner of Agriculture and Forestry or his designee and will be granted only in extreme circumstances.

5. In the event reservations must be canceled by LDAF staff (e.g., for maintenance or emergency reasons) the rental fee will be refunded in full.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

§543. Refunds

A. Refunds will not be issued to visitors evicted for enforcement or disciplinary reasons.

B. All reservation refunds must be issued through the Office of Management and Finance or through the online reservations system. No cash refunds will be issued.

C. Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the site due to inclement weather. In the event of a declared state of emergency that directly affects Indian Creek Recreation Area, refunds may be issued to all campers.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Wade Dubea, State Forester, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 6000, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on August 3, 2016. No preamble is available.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Indian Creek Recreation Area

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules LAC 7:XXXIX.501-543 will not result in any material savings or costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rules LAC 7:XXXIX.531, 533, 539, and 541, which modify and add fees for the Indian Creek Recreational Area, will result in a significant net increase in self-generated revenues due to patrons of the park paying higher rates annually from March 1 to October 31 for use of the recreational area. In addition, patrons will be allowed to pay reduced rates from November 1 to February 28 for use of the facilities. Proposed rule 533 adds fees for the use of flat bottom boats, kayaks, canoes, life jackets, and paddles at the park. Proposed rule 541 adds a non-refundable, undetermined service fee for all reservations and a cancellation fee equal to one night's stay at the reserved campsite for any canceled reservation to use the park's facilities. Cancellations must be made at least 48 hours prior to the reservation.

The remaining proposed rules are not anticipated to have a direct material effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules LAC 7:XXXIX.531, 533, and 539 will result in patrons of the Indian Creek Recreation Area paying higher rates and a higher net cost overall to use the area's amenities and will result in patrons paying less to use the amenities in the winter months. Proposed rule 541 creates an undetermined reservation fee and a cancellation fee equal to one night's stay at the reserved campsite. Proposed rule 543 establishes refund procedures for visitors to the park. Proposed rules 501-527 also establish rules that must be followed by visitors to the Indian Creek Recreation Area, however these rules are technical in nature and will not result in any costs or economic benefits to patrons of the park.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules will not have a material effect on competition and employment.

Dane Morgan
Assistant Commissioner
1606#046

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Division of Programs
Licensing Section**

Health Status (LAC 67:V.7313 and 7315)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 8, Chapter 73, Child Placing Agencies—General Provisions, Sections 7313 and 7315.

The proposed Rule provides for the expansion of the number of potential applicants which enables the department to certify additional foster and adoptive parents who will provide a safe and nurturing environment for our most vulnerable children. The proposed Rule allows potential applicants that were previously excluded because of their health status to become certified foster or adoptive parents. The potential applicant must have a signed statement by a licensed physician or health care professional verifying that their health status is under medical care and does not present a health or safety risk to a child placed in their home. The previous policy was more restrictive than necessary to ensure the health and safety of children placed in foster homes, therefore a change was needed.

This action was made effective by an Emergency Rule dated and effective February 26, 2016.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 73. Child Placing Agencies—General Provisions

§7313. Foster Care Services

A. - B.2.d.iv.(a). ...

v. health;

(a) a statement for each member of the applicant's household signed by a licensed physician or licensed health care professional verifying that the individual:

(i) has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii) is physically able to provide necessary care for a child; and

(iii) is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a] the individual is under the care of a licensed physician or licensed health care professional; and

[b] the present condition does not present a health or safety risk to a child placed in the applicant's home.

B.2.e. - C.5.b.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:833 (March 2011), amended LR 38:985 (April 2012), LR 42:222 (February 2016), LR 42:

§7315. Adoption Services

A. - F.2.d.iv.(a). ...

v. health:

(a) a statement for each member of the applicant's household signed by a licensed physician or licensed health care professional verifying that the individual:

(i) has no past nor present physical or mental illness or condition that would present a health or safety risk to a child placed in the applicant's home;

(ii) is physically able to provide necessary care for a child; and

(iii). is free of a communicable or infectious disease or if not free of a communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

[a]. the individual is under the care of a licensed physician or licensed health care professional; and

[b]. the present condition does not present a health or safety risk to a child placed in the applicant's home.

F.2.e. - J.4.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and ACT 64 of the 2010 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section LR 37:842 (March 2011), amended LR 42:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through July 26, 2016, to Rhenda Hodnett, Deputy Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3776, Baton Rouge, LA 70821.

Public Hearing

A public hearing on the proposed Rule will be held on July 26, 2016 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit or Division of Administrative Law at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Health Status

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule amends LAC 67:V, Subpart 8, Chapter 73 Child Placing Agencies – General Provisions, Sections 7313 and 7315 to expand the number of potential foster and adoptive parent applicants. The proposed rule allows potential applicants that were previously excluded because of their health status to become certified foster or adoptive parents. The potential applicant must have a signed statement by a licensed physician or health care professional verifying that

their health status is under medical care and does not present a health or safety risk to a child placed in their home. The previous policy was more restrictive than necessary to ensure the health and safety of children placed in foster homes, therefore a change was needed.

Although the proposed rule may increase the number of certified foster or adoptive parents, the rule does not increase cost, as all children entering the foster system are placed. The proposed rule expands the foster and adoptive parent pool; thereby allowing DCFS additional placement options for children entering the foster care system.

The cost of publishing rulemaking is approximately \$1,491 (Federal) in FY 15-16. This is a one-time cost that is routinely included in the department's operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will have no effect on state or local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may increase the number of potential applicants, which enables the department to certify additional foster and adoptive parents that will provide a safe and nurturing environment to children placed in foster care.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Rhenda Hodnett
Deputy Secretary
1606#052

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs—TOPS Core Curriculum
Equivalents: AP Computer Science A (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC), in accordance with the Administrative Procedure Act [R.S. 49:950 et seq.], is amending and re-promulgating the rules of the scholarship/grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797(D)(2)].

This rulemaking adds AP computer science A as an equivalent to advanced mathematics in the TOPS core curriculum for students who graduate from high school beginning in the 2013-2014 academic year (high school). (SG16171E)

Title 28 EDUCATION

Part IV. Student Financial Assistance—Higher Education

Scholarship and Grant Programs

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - A.5.a.ii.(d).(ii). ...
* * *

(iii). For students graduating in academic years (high school) 2013-2014 through 2016-2017, for

purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, in addition to the equivalent courses identified in §703.A.5.a.ii.(d).(i) above, the following course shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Algebra III; Advanced Math-Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A

(e). For students graduating in academic year (high school) 2017-2018 and after, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course(s)	Equivalent (Substitute) Course
Algebra I, Geometry and Algebra II	Integrated Mathematics I, II and III
Art	Media Arts I-IV; Photography I, Photography II, and Digital Photography
Algebra III; Advanced Math- Functions and Statistics, Advanced Math-Pre-Calculus, Pre-Calculus, or Math Methods I IB (Mathematical Studies SL); Calculus, AP Calculus AB, or Math Methods II IB (Mathematics SL); AP Calculus BC; Probability and Statistics or AP Statistics; IB Further Mathematics HL; IB Mathematics HL	AP Computer Science A
Any listed core course or its equivalent.	Any core curriculum course taken by a student who has been deemed to be gifted and talented pursuant to R.S. 17:1941 et. seq. as implemented in State Board of Elementary and Secondary Education policy and in fulfillment of the student's Individualized Education Program shall be considered a gifted and talented course and shall fulfill the core curriculum requirement in its given subject area.

A.5.a.ii.(f). - J.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689

(April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), LR 42:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG16171NI) until 4:30 p.m., July 11, 2016, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Scholarship/Grant Programs
TOPS Core Curriculum Equivalents:
AP Computer Science A**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

In accordance with the requirements of R.S. 17:5062(C)(1) and with the prior approval of BESE and receipt of comments and recommendations from Regents, the proposed rule change modifies the Scholarship and Grant Program rules to add AP Computer Science A course as an equivalent (substitute) course to Advanced Mathematics for the purpose of meeting the TOPS core curriculum requirements effective for students graduating during the 2013-2014 high school academic year and thereafter. There are no estimated implementation costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governments will not be affected by the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated effects on economic benefits to directly affected persons or non-governmental groups resulting from these measures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
1606#035

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Division**

**Control of Emissions for the Nitric Acid Industry
(LAC 33:III.2307)(AQ363)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2307.C (Log #AQ363).

This Rule will repeal LAC 33:III.2307.C. LAC 33:III.2307.C applies to nitric acid plants that are not subject to 40 CFR 60 Subpart G (standards of performance for nitric acid plants).

LAC 33:III.2307.C.1.a states, in relevant part, that a “four-hour start-up exemption from [NOX] emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR Part 60, Subpart G. LAC 33:III.2307.C.2.a provides a similar exemption “where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition.” These provisions were approved by EPA into Louisiana’s state implementation plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.2307.C, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

Based on a review of effective permits, LDEQ identified only one nitric acid plant that is not subject to 40 CFR 60 subpart G, that being nitric acid train 4 (NNA4-1, EQT 0007), located at PCS Nitrogen Fertilizer’s (PCS’s) Geismar Agricultural Nitrogen and Phosphate Plant (agency interest no. 3732). Nitric acid train 4 is currently operating under permit no. 2240-V8, issued February 6, 2015.

A consent decree between EPA, LDEQ, and PCS (civil action no. 14-707-BAJ-SCR), entered February 26, 2014, requires PCS to install NO_x control equipment (i.e., selective catalytic reduction, or SCR) on nitric acid train 4 as a supplemental environmental project. Based on conversations with representatives of PCS, LDEQ understands that the SCR control device will be installed in summer 2016 and, after that time, the exemptions provided by LAC 33:III.2307.C will no longer be needed. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.2307.C.

*State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction [80 FR 33840]

This Rule is also a revision to the Louisiana state implementation plan for air quality. The basis and rationale for this Rule are to repeal the exemptions provided by LAC 33:III.2307.C in order to comply with EPA’s SIP call. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 23. Control of Emissions for Specific Industries¹

¹ Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

Subchapter D. Nitric Acid Industry

§2307. Emission Standards for the Nitric Acid Industry

- A. - B. ...
- C. Reserved.
- 1. - 2.c. Repealed.
- D. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2088 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ363. Such

comments must be received no later than August 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to diedra.johnson@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ363. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on July 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Control of Emissions for the Nitric Acid Industry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change will repeal exceptions from emission standards for the nitric acid industry. The rule was determined to contain an impermissible exemption by the U.S. Environmental Protection Agency. This provision eliminates exemptions from the NOX emission limitations for nitric acid plants not subject to 40 CFR 60 Subpart G (Standards of Performance for Nitric Acid Plants).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change. LDEQ has identified only one nitric acid plant not subject to 40 CFR 60 Subpart G (i.e.,

Nitric Acid Train 4 located at PCS Nitrogen Fertilizer's (PCS's) Geismar Agricultural Nitrogen and Phosphate Plant). A Consent Decree between EPA, LDEQ, and PCS requires PCS to install NOX control equipment (i.e., selective catalytic reduction, or SCR) on Nitric Acid Train 4 as a supplemental environmental project. Based on conversations with representatives of PCS, LDEQ understands that the SCR control device will be installed in summer 2016. After that time, the exemptions provided by LAC 33:III.2307.C will no longer be needed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary) There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule change.

Herman Robinson
General Counsel
1606#033

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Secretary Legal Division

Emission Standards for Sulfur Dioxide—Exemptions (LAC 33:III.1507)(AQ360)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.1507.A and B (Log #AQ360).

This Rule will repeal LAC 33:III.1507.A and B. LAC 33:III.1507.A and B apply to existing sulfuric acid plants (i.e., those constructed or last modified on or before August 17, 1971, and therefore not subject to 40 CFR 60 Subpart H).

LAC 33:III.1507.A states, in relevant part, that a “four-hour (continuous) start-up exemption from the [SO₂ and sulfuric acid mist] emission limitations of LAC 33:III.1503.A will be authorized by the administrative authority for facilities not subject to 40 CFR 60.82 and 60.83 [of Subpart H].” LAC 33:III.1507.B provides a similar exemption “where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition.” These provisions were approved by EPA into Louisiana’s state implementation plan (SIP) on July 15, 1993 (58 FR 38060).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.1507.A and B, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

Based on a review of effective permits, LDEQ has determined that no sulfuric acid plants are eligible for the aforementioned exemptions because each is subject to 40 CFR 60.82 and 60.83. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.1507.A and B.

*State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction. [80 FR 33840]

This Rule is also a revision to the Louisiana state implementation plan for air quality. The basis and rationale for this Rule are to repeal the exemptions provided by LAC 33:III.1507.A and B in order to comply with EPA's SIP call. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 15. Emission Standards for Sulfur Dioxide

§1507. Exemptions

- A. Reserved.
 - 1. - 2. Repealed.
- B. Reserved.
 - 1. - 2. Repealed.
- C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:1284 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:1011 (June 2007), LR 33:2085 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ360. Such comments must be received no later than August 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to diedra.johnson@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ360. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on July 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emission Standards for
Sulfur Dioxide—Exemptions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change will repeal exemptions from the emissions standards for sulfur dioxide and sulfuric acid mist. The rule was determined to contain an impermissible exemption by the U.S. Environmental Protection Agency. The rule formerly established exemptions from the SO₂ and sulfuric acid mist emission limitations for existing sulfuric acid plants "not subject to 40 CFR 60.82 and 60.83" (i.e., plants constructed or last modified on or before August 17, 1971).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change. Based on a review of effective permits, LDEQ has determined that no sulfuric acid plants are eligible for the aforementioned exemptions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule change.

Herman Robinson
General Counsel
1606#032

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Division

Work Practice Standards During Start-up and Shutdown (LAC 33:III.2201)(AQ364)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2201.C and K (Log #AQ364).

This Rule will repeal the exemption set forth in LAC 33:III.2201.C.8 and replace it with provisions allowing the owner/operator of an affected point source to comply either with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

LAC 33:III.2201 establishes NO_x standards for certain boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines located at affected facilities in the following nine parishes: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

LAC 33:III.2201.C.8 provides an exemption from the aforementioned NO_x standards “during start-up and shutdown...or during a malfunction.” Notably, this exemption does not apply to units that are shut down intentionally on a routine basis (i.e., more than once per month). This provision was approved by EPA into Louisiana’s state implementation plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.2201.C.8, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “automatic exemptions for excess emissions from otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

In this same rulemaking, EPA “revised and updated” its startup, shutdown, and malfunction (SSM) policy for SIP provisions. According to EPA’s “SSM SIP policy as of 2015” (80 FR 33976), SIP emission limitations “must be applicable to the source continuously,” but:

- do not need to be numerical in format;
- do not have to apply the same limitation (e.g., numerical level) at all times; and
- may be composed of a combination of numerical limitations, specific technological control requirements and/or work practice requirements, with each component of the emission limitation applicable during a defined mode of source operation.

In response to EPA’s SIP call, LDEQ will repeal the exemption set forth in LAC 33:III.2201.C.8 and amend Chapter 22 to allow the owner/operator of an affected point source to comply either with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

*State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction [80 FR 33840]

This Rule is also a revision to the Louisiana state implementation plan for air quality. The basis and rationale for this Rule are to repeal the exemption set forth in LAC 33:III.2201.C.8 and replace it with provisions allowing the owner/operator of an affected point source to comply either with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards designed to minimize emissions during periods of startup and shutdown. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 22. Control of Emissions of Nitrogen Oxides (NO_x)

§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. - C.7. ...

8. Reserved;

C.9. - J.2. ...

K. Start-up and Shutdown

1. For affected point sources that are shut down intentionally more than once per month, the owner or operator shall include NO_x emitted during periods of start-up and shutdown for purposes of determining compliance with the emission factors set forth in Subsection D of this Section, or with an alternative plan approved in accordance with Paragraph E.1 or 2 of this Section.

2. For all other affected point sources, the owner or operator shall either comply with Paragraph K.1 of this Section or the work practice standards described in Paragraph K.3 of this Section during periods of start-up and shutdown. If the owner or operator chooses to comply with work practices standards, the emission factors set forth in Subsection D of this Section shall not apply during periods of start-up and shutdown.

3. Work Practice Standards

a. The owner or operator shall operate and maintain each affected point source, including any associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

b. Effective November 22, 2016, coal-fired and fuel oil-fired electric power generating system boilers and fuel oil-fired stationary gas turbines shall use natural gas during start-up. Start-up ends when any of the steam from the boiler or steam turbine is used to generate electricity for sale over the grid, or for any other purpose (including on-site use). If another fuel must be used to support the shutdown process, natural gas shall be utilized.

c. Engage control devices such as selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) as expeditiously as possible, considering safety and manufacturer recommendations.

d. Minimize the start-up time of stationary internal combustion engines to a period needed for the appropriate and safe loading of the engine, not to exceed 30 minutes.

e. Maintain records of the calendar date, time, and duration of each start-up and shutdown.

f. Maintain records of the type(s) and amount(s) of fuels used during each start-up and shutdown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:71 (January 2008), LR 36:60 (January 2010), amended by the Office of the Secretary, Legal Division, LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ364. Such comments must be received no later than August 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to diedra.johnson@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ364. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on July 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are

allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Work Practice Standards During Start-up and Shutdown

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change will affect owners/operators of equipment subject to the control of emissions of nitrogen oxides by repealing an exemption for the control of emissions of nitrogen oxides during periods of start-up, shutdown, and malfunction. The proposed rule change will replace the current exemption with provisions allowing the owner/operator to comply either with the emission factors imposed by emission factors in current rule at all times (including periods of start-up and shutdown), or with newly-established work practice standards designed to minimize emissions during periods of start-up and shutdown.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will affect owners/operators of equipment subject to the control of emissions of nitrogen oxides by repealing an exemption for the control of emissions of nitrogen oxides during periods of start-up, shutdown, and malfunction. If an owner/operator chooses to comply with work practice standards during periods of start-up and shutdown, LDEQ anticipates there will be no significant effect on costs. This is because many owners/operators are already implementing such measures as part of their general duty to minimize emissions and/or to comply with federal regulations applicable to industrial, commercial, and institutional boilers and process heaters, or coal- and oil-fired electric utility steam generating units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule change.

Herman Robinson
General Counsel
1606#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Podiatry Licensure and Certification (LAC 46:XLV.1307)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Medical Practice Act, R.S. 37:1270, and the Louisiana Podiatric Practice Act, R.S. 37:611-628, that the board intends to amend its rules on licensure and certification of podiatrists. The proposed changes, which appear in §1307.D, remove the requirement for board certification/qualification for surgical treatment of the ankle for a podiatrist who has completed three years of a specified residency training program. The proposed changes also reflect a name change in the certifying surgical board within podiatry from the American Board of Podiatric Surgery to the American Board of Foot and Ankle Surgery. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

Subchapter B. Requirements and Qualifications for Licensure, Scope of Practice

§1307. Qualifications for Certification for Advanced Practice; Scope of Practice

A. - C.4. ...

D. Qualifications for Certification in Surgical Treatment of the Ankle. To be eligible for certification in the surgical treatment of the ankle, whether for initial licensure or annual renewal, an applicant who possesses and meets the qualifications and requirements of §1305.A.1-5 of this Chapter shall:

1. have completed a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, consisting of:

- a. a three-year podiatric surgery residency (PSR 36) program or greater; or
- b. a three-year podiatric medicine and surgery residency (PM and S 36) program or greater; or
- c. a two-year podiatric surgery residency (PSR 24) program and:

- i. be board-certified in reconstructive rear foot and ankle surgery (RRA) by the American Board of Foot and Ankle Surgery (ABFAS), formerly the American Board of Podiatric Surgery (APBS); or

- ii. be board-certified in foot surgery and board qualified in reconstructive rear foot/ankle surgery (RRA) by the ABFAS.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009), amended by the Department of Health, Board of Medical Examiners, LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below 100 percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA, 70130, (504) 568-6820, ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., July 20 2016.

Public Hearing

If a public hearing is requested to provide data, views, arguments, information or comments in accordance with the Administrative Procedure Act, the hearing will be held on July 25, 2016 at 10 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. Any person wishing to attend should call to confirm that a hearing is being held.

Eric D. Torres
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Podiatry Licensure and Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost for this rule is approximately \$319 for the notice and rule publication cost. The proposed rule change is not anticipated to result in any additional costs or savings to the Board or any other state or local governmental unit. The proposed amendments remove the board certification prerequisite requirement for applicants who have completed three years of specified post-graduate residency training in order to be eligible to be certified in the

advanced practice designation by the Board for the surgical treatment of the ankle. The amendments also reflect a name change in the certifying board within podiatry from the American Board of Podiatric Surgery to the American Board of Foot and Ankle Surgery.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the Board's revenue collections or those of any other state or governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A podiatrist who completes a specified three (3) year residency training program will be favorably impacted by the amendment which removes the need for board certification as a prerequisite for certification in surgical treatment of the ankle by the Board. It is anticipated that there will be a minimal number of podiatrists that will be affected by the proposed amendments. Otherwise, the proposed amendments will not have a material effect on costs, paperwork, or workload of podiatrists or applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes may serve to increase employment opportunities and competition in the market for podiatrists who qualify for surgical treatment of the ankle as a result of completing the proposed specified residency training.

Eric D. Torres,
Executive Director
1606#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Examiners of Psychologists**

Continuing Education and Licenses
(LAC 46:LXIII.Chapters 8 and 9)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists intends to amend LAC 46:LXIII.801, 803, 805, 807, 809, 811, 815, 903; repeal §808; adopt §901; and renumber current §§901, 902, and 903 as published under Declaration of Emergency in the *Louisiana Register* on June 20, 2016.

The full text of this proposed Rule may be view in the Emergency Rule section of this edition of the *Louisiana Register*.

Family Impact Statement

The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to the continuing education requirements of psychologists will have no known or foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personal responsibility of children; or, the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed modifications regulate licensed psychologists in the interest of health, safety and the welfare

of the public. The Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). Specifically, there is no known or foreseeable effect on household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on July 10, 2016.

Jaime T. Monic
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Continuing Education and Licenses**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost for this rule totals approximately \$500 in FY 2015-16 and applies only to the Board of Examiners of Psychologists. Those costs are related to publishing the proposed and final rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This amendment provides clarification to current continuing education rules for approximately 700 licensed psychologists in Louisiana. Continuing education is required for license renewal. This amendment does not impose any additional requirements for continuing education, nor would it have a financial impact on those licensed psychologists or the non-governmental groups who provide continuing education to licensed psychologists. The amendments are proposed solely to provide consistency and clarify what constitutes acceptable continuing education, proper calculation of credits, documentation required to prove credits, and to reinstate the requirements for renewal of a lapsed license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Jaime T. Monic
Executive Director
1606#042

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Bureau of Health Services Financing

Federally Qualified Health Centers
Fluoride Varnish Applications
Delegated Appliers
(LAC 50:XI.10301)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XI.10301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing federally qualified health centers (FQHCs) to adopt provisions for the coverage of fluoride varnish applications (*Louisiana Register*, Volume 39, Number 11).

The department now proposes to amend the provisions governing FQHCs in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for appliers of fluoride varnish.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally-Qualified Health Centers

Chapter 103. Services

§10301. Scope of Services

[Formerly §10501]

- A. - C.1.d. ...
- e. registered nurses;
 - f. licensed practical nurses; or
 - g. certified medical assistants.

2. All participating staff must review the Smiles for Life training module for fluoride varnish and successfully pass the post assessment. All staff involved in the varnish application must be deemed as competent to perform the service by the FQHC.

a. Physicians shall maintain a copy of the successfully completed post assessment certificate in their files for review, and shall provide the certificate to the department, or its fiscal intermediary, upon request.

b. Approved delegated appliers of fluoride varnish must also complete the training module and their certificates shall be retained on file locally as evidence of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2487 (November 2004), amended LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 39:3076 (November 2013), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Federally Qualified Health Centers Fluoride Varnish Applications—Delegated Appliers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that

\$432 (\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$216 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule proposes to amend the provisions governing federally qualified health centers (FQHCs) in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for applicators of fluoride varnish. This proposed rule will have no impact on FQHC expenditures since the Department does not anticipate any impact on utilization. The rule only allows for another delegated provider to act as a substitute applicator of the varnish application. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to FQHCs for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1606#060

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing
and**

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver
Emergency Opportunities
(LAC 50:XXI.13709)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.13709 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing the allocation of waiver opportunities in the New Opportunities Waiver (NOW) to revise the criteria for emergency waiver services, simplify the allocation process for NOW emergency opportunities, and facilitate faster access to NOW emergency services for qualified individuals (*Louisiana Register*, Volume 41, Number 9).

The department subsequently promulgated an Emergency Rule to rescind the October 1, 2015 Emergency Rule in order to return to the provisions in place governing the allocation of waiver opportunities for the NOW located in LAC 50:XXI.13709 (*Louisiana Register*, Volume 42, Number 1).

The department has now determined that it is necessary to amend the provisions governing the allocation of waiver opportunities in the NOW to revise the criteria for emergency opportunities, simplify the allocation process for NOW emergency opportunities and facilitate faster access to NOW emergency services for qualified individuals.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 11. New Opportunities Waiver

Chapter 137. General Provisions

§13709. Emergency Opportunities

A. Requests for emergency waiver services shall be made through the local governing entities (LGEs) responsible for coordination of services for persons with developmental disabilities. When a request for emergency services is received, the LGE shall complete a standardized screening tool that incorporates standardized operational procedures to determine the priority of the individual's urgency of need in a fair and consistent manner.

B. To be considered for emergency waiver supports, the individual must need long-term supports, not temporary or short-term supports.

1. - 5. Repealed.

C. Effective for dates of service on or after September 20, 2016, an individual must meet the required criteria within the OCDD standardized screening tool in order to qualify for emergency waiver services.

1. Documentation that any one of the following criteria within the OCDD standardized screening tool has been met will qualify an individual for an emergency waiver opportunity:

a. the caregiver is no longer able to provide support and the individual's health and/or safety is placed at risk;

b. the individual has no other support available after the death of a caregiver;

c. the caregiver needs immediate assistance to provide support and maintain the individual's current living situation;

d. the individual has been placed in custody and, as a result, requires essential, community-based supports;

e. the individual requires long term care supports to address imminent risk of incarceration;

f. the individual needs immediate supports to stay in his/her own home;

g. intolerable conditions exist within the residence with an immediate need for a new residential option;

h. the individual's eligibility will expire and/or the individual "ages out" of the program or funding source providing essential supports within the next 90 days; and

i. additional supports are needed to ensure health and safety and/or to keep the individual from being placed in an institutional situation.

D. For individuals who meet the criteria for an emergency waiver opportunity, as determined by the OCDD standardized screening tool, the LGE will forward copies of all documentation used for determination of eligibility for NOW emergency services, including the standardized screening tool, to the appropriate DHH emergency review manager at OCDD.

1. OCDD will verify each qualifying applicant's request for services registry (RFSR) date and assign waiver opportunities in order, based on their protected RFSR dates.

2. In instances when there are more requests than available emergency waiver opportunities, qualifying individuals who have the earliest protected request dates on the NOW RFSR will receive their opportunities first.

3. If there are more applicants than available emergency waiver opportunities, those individuals may reapply when additional emergency waiver opportunities become available.

E. The LGE will keep all of the supporting documentation used to determine whether an applicant has met emergency waiver criteria.

F. Individuals who do not meet the criteria and are denied an emergency waiver opportunity have the right to an administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1201 (November 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:71 (January 2014), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will allow individuals and families in crisis to obtain faster access to necessary services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by allowing families to obtain emergency services faster which may reduce their financial burden if they are incurring costs for services initially.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service,

no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Home and Community-Based Services Waivers—New Opportunities Waiver Emergency Opportunities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no material programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16; however, there is potential for a nominal increase in expenditures since emergency opportunities will be accessed faster. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no material effect on revenue collections other than the federal share of the promulgation costs for FY 15-16; however, there is potential for a nominal increase in revenue collections since emergency opportunities will be accessed faster. It is anticipated that \$378 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the allocation of waiver opportunities in the New Opportunities Waiver (NOW) to revise the criteria for emergency opportunities, simplify the allocation process for NOW emergency opportunities and facilitate faster access to NOW emergency services for qualified individuals. The proposed changes are not expected to have a material impact on NOW program expenditures since the number of opportunities in the existing waiver or service utilization will not change; however, there is potential for a nominal increase in expenditures since emergency opportunities will be accessed faster. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to NOW service providers for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Evan Brasseaux
1606#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Hospice Services (LAC 50:XV.4101)

The Department of Health and Hospitals, Bureau of Health Services Financing, proposes to amend LAC 50:XV.Chapter 41 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing hospice services to incorporate language approved in the corresponding State Plan Amendment in order to ensure compliance with federal regulations (*Louisiana Register*, Volume 41, Number 1). The department now proposes to amend the provisions governing hospice services in order to replace the retired local coverage determination (LCD) number with an active LCD number.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 3. Hospice

Chapter 41. Prior Authorization

§4101. Prior Authorization of Hospice Services

A. ...

1. The Medicare criteria found in local coverage determination (LCD) hospice determining terminal status (L34538) will be used in analyzing information provided by the hospice to determine if the patient meets clinical requirements for this program.

A.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1470 (June 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:131 (January 2015), LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this

proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hospice Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$324 (\$162 SGF and \$162 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$162 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing hospice services in order to replace the retired local coverage determination (LCD) number with an active LCD number. The Rule will replace the code that is currently listed in the Hospice provisions since it has now expired and is no longer being used. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to hospice providers for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1606#062

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Managed Care for Physical and Behavioral Health
Non-Emergency Medical Transportation
(LAC 50:I.3103)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:I.3103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing managed care for physical and basic behavioral health in order to reflect the integration of specialized behavioral health services into Bayou Health as a result of the narrowing of the statewide management organization's scope of service administration for certain behavioral health services (*Louisiana Register*, Volume 41, Number 11). The department promulgated an Emergency Rule which amended the provisions governing managed care for physical and basic behavioral health to provide clarification regarding the inclusion of non-emergency medical transportation (NEMT) services (*Louisiana Register*, Volume 42, Number 1). This proposed Rule is being promulgated to continue the provisions of the January 1, 2016 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 31. General Provisions

§3103. Recipient Participation

A. - B. ...

1. Participation in an MCO for the following participants is mandatory for specialized behavioral health and non-emergency medical transportation (NEMT) services (ambulance and non-ambulance) only, and is voluntary for physical health services:

B.1.a. - D. ...

E. Mandatory MCO Populations—Specialized Behavioral Health Services and Non-Emergency Ambulance Services Only

1. The following populations are mandatory enrollees in Bayou Health for specialized behavioral health services and non-emergency ambulance services only:

a. - b. ...

F. Mandatory MCO Populations—Specialized Behavioral Health and NEMT Services (Ambulance and Non-Ambulance) Only

F.1. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1573 (June 2011), amended LR 40:310 (February 2014), LR 40:1096 (June 2014), LR 40:2258 (November 2014), LR 41:929 (May 2015), LR 41:2363 (November 2015), LR 42:754 (May 2016), LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may increase the total direct and indirect cost to the provider to provide the same level of service due to the reduction of NEMT payments. The proposed Rule may also have a negative impact on the provider's ability to provide the same level of service as described in HCR 170 if the reduction of these payments adversely impacts the provider's financial standing.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Managed Care for
Physical and Behavioral Health
Non-Emergency Medical Transportation**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic savings of \$91,420 for FY 15-16, \$44,595 for FY 16-17 and \$135,358 for FY 17-18. It is anticipated that \$432(\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately \$150,380 for FY 15-16, \$73,569 for FY 16-17 and \$225,116 for FY 17-18. It is anticipated that \$216 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.17 percent in FY 15-16, 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule continues the provisions of the January 1, 2016 emergency rule which amended the provisions governing managed care for physical and basic behavioral health to provide clarification regarding the inclusion of non-emergency medical transportation services. It is anticipated that implementation of this proposed rule will reduce programmatic expenditures for non-emergency medical transportation services by approximately \$242,232 for FY 15-16, \$118,164 for FY 16-17 and \$360,474 for FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition. However, it is anticipated that the implementation of this proposed rule may have a negative effect on employment as it will reduce the payments made for non-emergency medical transportation services. The reduction in payments may adversely impact the financial standing of providers and could possibly cause a reduction in employment opportunities.

Jen Steele
Medicaid Director
1606#063

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Nursing Facilities
Reimbursement Methodology
(LAC 50:II.20001)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:II.20001 in the Medical Assistance Program as authorized

by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement to nursing facilities, through vendor payments, for services rendered to Medicaid eligible individuals who reside in nursing facilities.

For state fiscal year (SFY) 2015-16, the department determined it was necessary to promulgate an Emergency Rule to amend the provisions governing the reimbursement methodology for nursing facilities in order to suspend the provisions of LAC 50:II.Chapter 200, and to impose provisions to ensure that the rates in effect do not increase for the SFY 2016 rating period (*Louisiana Register*, Volume 41, Number 7). This proposed Rule is being promulgated in order to continue the provisions of the July 11, 2015 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Chapter 200. Reimbursement Methodology

§20001. General Provisions

A. Definitions

Administrative and Operating Cost Component—the portion of the Medicaid daily rate that is attributable to the general administration and operation of a nursing facility.

Assessment Reference Date—the date on the minimum data set (MDS) used to determine the due date and delinquency of assessments. This date is used in the case-mix reimbursement system to determine the last assessment for each resident present in the facility and is included in the quarterly case-mix report.

Base Resident-Weighted Median Costs and Prices—the resident-weighted median costs and prices calculated in accordance with §20005 of this rule during rebase years.

Calendar Quarter—a three-month period beginning January 1, April 1, July 1, or October 1.

Capital Cost Component—the portion of the Medicaid daily rate that is:

- a. attributable to depreciation;
- b. capital related interest;
- c. rent; and/or
- d. lease and amortization expenses.

Care Related Cost Component—the portion of the Medicaid daily rate that is attributable to those costs indirectly related to providing clinical resident care services to Medicaid recipients.

Case Mix—a measure of the intensity of care and services used by similar residents in a facility.

Case-Mix Index (CMI)—a numerical value that describes the resident's relative resource use within the groups under the resource utilization group (RUG-III) classification system, or its successor, prescribed by the department based on the resident's MDS assessments. Two average CMIs will be determined for each facility on a quarterly basis, one using all residents (the facility average CMI) and one using only Medicaid residents (the Medicaid average CMI).

Case-Mix MDS Documentation Review (CMDR)—a review of original legal medical record documentation on a randomly selected MDS assessment sample. The original legal medical record documentation supplied by the nursing facility is to support certain reported values that resulted in a specific RUG classification. The review of the documentation provided by the nursing facility will result in the RUG classification being supported or unsupported.

Cost Neutralization—refers to the process of removing cost variations associated with different levels of resident case mix. Neutralized cost is determined by dividing a facility's per diem direct care costs by the facility cost report period case-mix index.

Delinquent MDS Resident Assessment—an MDS assessment that is more than 121 days old, as measured by the assessment reference date (ARD) field on the MDS.

Direct Care Cost Component—the portion of the Medicaid daily rate that is attributable to:

- a. registered nurse (RN), licensed practical nurse (LPN) and nurse aide salaries and wages;
- b. a proportionate allocation of allowable employee benefits; and
- c. the direct allowable cost of acquiring RN, LPN and nurse aide staff from outside staffing companies.

Facility Cost Report Period Case-Mix Index—the average of quarterly facility-wide average case-mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the facility's cost reporting period that is used to determine the medians. This average includes any revisions made due to an on-site CMDR.

Example: A January 1, 2011-December 31, 2011 cost report period would use the facility-wide average case-mix indices calculated for March 31, 2011, June 30, 2011, September 30, 2011 and December 31, 2011.

Facility-Wide Average Case-Mix Index—the simple average, carried to four decimal places, of all resident case-mix indices based on the last day of each calendar quarter. If a facility does not have any residents as of the last day of a calendar quarter or the average resident case-mix indices appear invalid due to temporary closure or other circumstances, as determined by the department, a statewide average case-mix index using occupied and valid statewide facility case-mix indices may be used.

Final Case-Mix Index Report (FCIR)—the final report that reflects the acuity of the residents in the nursing facility on the last day of the calendar quarter, referred to as the point-in-time.

Index Factor—will be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data Resources Incorporated (DRI-WEFA), or a comparable index if this index ceases to be published.

MDS Supportive Documentation Guidelines—the department's publication of the minimum medical record documentation guidelines for the MDS items associated with the RUG-III or its successor classification system. These guidelines shall be maintained by the department and updated and published as necessary.

Minimum Data Set (MDS)—a core set of screening and assessment data, including common definitions and coding categories that form the foundation of the comprehensive

assessment for all residents of long-term care facilities certified to participate in the Medicaid Program. The items in the MDS standardize communication about resident problems, strengths, and conditions within facilities, between facilities, and between facilities and outside agencies. The Louisiana system will employ the current MDS assessment required and approved by the Centers for Medicare and Medicaid Services (CMS).

Pass-Through Cost Component—includes the cost of property taxes and property insurance. It also includes the provider fee as established by the Department of Health and Hospitals.

Preliminary Case Mix Index Report (PCIR)—the preliminary report that reflects the acuity of the residents in the nursing facility on the last day of the calendar quarter.

Rate Year—a one-year period from July 1 through June 30 of the next calendar year during which a particular set of rates are in effect. It corresponds to a state fiscal year.

Resident-Day-Weighted Median Cost—a numerical value determined by arraying the per diem costs and total actual resident days of each nursing facility from low to high and identifying the point in the array at which the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all nursing facilities. The per diem cost at this point is the resident-day-weighted median cost.

RUG-III Resident Classification System—the resource utilization group used to classify residents. When a resident classifies into more than one RUG-III, or its successor's group, the RUG-III or its successor's group with the greatest CMI will be utilized to calculate the facility average CMI and Medicaid average CMI.

Summary Review Results Letter—a letter sent to the nursing facility that reports the final results of the case-mix MDS documentation review and concludes the review.

a. The summary review results letter will be sent to the nursing facility within 10 business days after the final exit conference date.

Supervised Automatic Sprinkler System—a system that operates in accordance with the latest adopted edition of the National Fire Protection Association's *Life Safety Code*. It is referred to hereafter as a *fire sprinkler system*.

Two-Hour Rated Wall—a wall that meets American Society for Testing and Materials International (ASTM) E119 standards for installation and uses two-hour rated sheetrock.

Unsupported MDS Resident Assessment—an assessment where one or more data items that are used to classify a resident pursuant to the RUG-III, 34-group, or its successor's resident classification system is not supported according to the MDS supporting documentation guidelines and a different RUG-III, or its successor, classification would result; therefore, the MDS assessment would be considered "unsupported."

B. Effective for the rate period of July 1, 2015 through June 30, 2016, the department shall suspend the provisions of LAC 50:II.Chapter 200 governing the reimbursement methodology for nursing facilities and impose the following provisions governing reimbursements for nursing facility services.

1. During this time period, no inflation factor will be applied to the base resident day weighted medians and prices calculated as of July 1, 2014.

2. All costs and cost components that are required by rule to be trended forward will only be trended forward to the midpoint of the 2015 state fiscal year (December 31, 2014).

3. The base capital per square foot value, land value per square foot, and per licensed bed equipment value utilized in the calculation of the fair rental value (FRV) component will be set equal to the value of these items as of July 1, 2014.

4. Base capital values for the Bed Buy-Back program (§20012) purposes will be set equal to the value of these items as of July 1, 2014.

5. Nursing facility providers will not have their weighted age totals for the FRV component calculation purposes increased by one year as of July 1, 2015.

6. As of the July 1, 2016 rate setting, nursing facility provider weighted age totals for the FRV component calculation purposes will be increased by two years to account for the suspended year of aging occurring as of the July 1, 2015 rating period.

7. No other provisions of LAC 50:II.Chapter 200 shall be suspended for this time period.

Base Resident—Repealed.

Calendar Quarter—Repealed.

Capital Cost Component—Repealed.

1. - 4. Repealed.

Care Related Cost Component—Repealed.

Case Mix—Repealed.

Case-Mix Index—Repealed.

Case-Mix MDS Documentation Review (CMDR)—Repealed.

Cost Neutralization—Repealed.

Delinquent MDS Resident Assessment—Repealed.

Direct Care Cost Component—Repealed.

1. - 3. Repealed.

Facility Cost Report Period Case-Mix Index—Repealed.

Example. Repealed.

Facility-Wide Average Case-Mix Index—Repealed.

Final Case-Mix Index Report (FCIR)—Repealed.

Index Factor—Repealed.

Minimum Data Set (MDS)—Repealed.

MDS Supportive Documentation Guidelines—Repealed.

Pass-Through Cost Component—Repealed.

Preliminary Case Mix Index Report (PCIR)—Repealed.

Rate Year—Repealed.

Resident-Day-Weighted Median Cost—Repealed.

RUG-III Resident Classification System—Repealed.

Summary Review Results Letter—Repealed.

1. Repealed.

Supervised Automatic Sprinkler System—Repealed.

Two-Hour Rated Wall—Repealed.

Unsupported MDS Resident Assessment—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1790 (August 2002), amended LR 28:2537 (December 2002), LR 32:2262 (December 2006),

amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:825 (March 2012), LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nursing Facilities Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$1,296 (\$648 SGF and \$648 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated

that \$648 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule continues the provisions of the July 11, 2015 Emergency Rule which amended the provisions governing the reimbursement methodology for nursing facilities in order to suspend the provisions of LAC 50:II.Chapter 200, and to impose provisions to ensure that the rates in effect do not increase for the SFY 2016 rating period. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to nursing facilities for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1606#064

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Professional Services Program
Fluoride Varnish Applications
Delegated Appliers
(LAC 50:IX.905)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:IX.905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Professional Services Program to adopt provisions for the coverage of fluoride varnish applications (*Louisiana Register*, Volume 40, Number 2).

The department now proposes to amend the provisions governing the Professional Services Program in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for appliers of fluoride varnish.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 1. General Provisions

Chapter 9. Fluoride Varnish Application Services

§905. Provider Participation

A. - B.4. ...

5. registered nurses;
6. licensed practical nurses; or
7. certified medical assistants.

C. Professional service providers must review the Smiles for Life training module for fluoride varnish and successfully pass the post assessment.

1. Physicians shall maintain a copy of the successfully completed post assessment certificate in their files for review, and shall provide the certificate to the department, or its fiscal intermediary, upon request.

2. Approved delegated appliers of fluoride varnish must also complete the training module and their certificates shall be retained on file locally as evidence of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Professional Services Program
Fluoride Varnish Applications—Delegated Appliers**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$216 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the Professional Services Program in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for the application of fluoride varnish. This proposed rule will have no impact on Professional Services expenditures since the department does not anticipate any impact to utilization. The rule only allows for another delegated provider to act as a substitute applier of the varnish application. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to providers in the Professional Services Program for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1606#065

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Rural Health Clinics
Fluoride Varnish Applications
Delegated Appliers
(LAC 50:XI.16301)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:XI.16301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing rural health clinics (RHCs) to adopt provisions for

the coverage of fluoride varnish applications (*Louisiana Register*, Volume 40, Number 1).

The department now proposes to amend the provisions governing RHCs in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for appliers of fluoride varnish.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 15. Rural Health Clinics

Chapter 163. Services

§16301. Scope of Services

[Formerly §16501]

A. - C.1.d. ...

- e. registered nurses;
- f. licensed practical nurses; or
- g. certified medical assistants.

2. All participating staff must review the Smiles for Life training module for fluoride varnish and successfully pass the post assessment. All staff involved in the varnish application must be deemed as competent to perform the service by the RHC.

a. Physicians shall maintain a copy of the successfully completed post assessment certificate in their files for review, and shall provide the certificate to the department, or its fiscal intermediary, upon request.

b. Approved delegated appliers of fluoride varnish must also complete the training module and their certificates shall be retained on file locally as evidence of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2631 (September 2011), LR 40:83 (January 2014), LR 42:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will

have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, July 28, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rural Health Clinics Fluoride Varnish Applications Delegated Appliers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$432 (\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$216 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule proposes to amend the provisions governing rural health clinics (RHCs) in order to allow certified medical assistants to apply fluoride varnish under the direction of a certified physician, and to establish training requirements for appliers of fluoride varnish. This proposed rule will have no impact on RHC expenditures since the Department does not anticipate any impact on utilization. The rule only allows for another delegated provider to act as a substitute applier of the varnish application. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to RHCs for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1606#066

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office for Citizens with Developmental Disabilities

Certification of Medication Attendants
(LAC 48:IX.Chapter 9)

The Office for Citizens with Developmental Disabilities (OCDD) proposes to amend LAC 48:IX.Chapter 9, Guidelines for Certification of Medication Attendants (CMA), in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. R.S. 37:1021-1025 authorizes the establishment of "a medication administration course for the purpose of training and certifying unlicensed personnel to administer certain medication to residents of intermediate care facilities for people with developmental disabilities (ICFs/DD) and community homes for persons with developmental disabilities either operated by the Office for Citizens with Developmental Disabilities (OCDD) or funded through the Department of Health and Hospitals (DHH); and to individuals in the programs/agencies contracting for services with DHH except as prohibited in §911.B.5."

Based on an opinion given by the Louisiana State Board of Medical Examiners, the Department of Health and Hospitals has discontinued the use of physician delegation forms in intermediate care facilities and home and community-based settings. Unlicensed personnel must now complete minimum training requirements in order to administer medication to clients with intellectual and developmental disabilities. The termination of physician delegation has resulted in a large influx of persons seeking certified medication attendants (CMA) training and certification. This has created an administrative burden to providers, as well as OCDD, to timely process a steadily increasing number of certifications. This is an unfunded training mandate, which incurs significant costs to provider agencies and requires annual continuing education for re-certification. Due to limited funding, provider agencies who cannot afford to maintain the certification will experience a reduction in unlicensed personnel who are qualified to give medication, thus increasing the risk for medication errors, critical incidents, and mortality for persons who are medically compromised and vulnerable. The Office for Citizens with Developmental Disabilities seeks to extend the certification period for certified medication attendants to two years. Provider agencies will be required to determine CMA competency annually during the two-year period.

Also, OCDD will allow CMAs who have not worked directly with medication administration for 12 months or

more to be administered the statewide exam and a competency evaluation rather than requiring that they repeat the training. This opportunity will decrease administrative burden and allow qualified persons to more quickly re-enter the work force which will in turn, help assure client health and safety.

Title 48

PUBLIC HEALTH—GENERAL

Part IX. Developmental Disabilities Services

Chapter 9. Guidelines for Certification of Medication Attendant

§901. Overview

A. R.S. 37:1021-1025 authorizes the establishment of a medication administration course for the purpose of training and certifying unlicensed personnel to administer certain medication to residents of intermediate care facilities for people with developmental disabilities (ICFs/DD) and community homes for people with developmental disabilities either operated by the Office for Citizens with Developmental Disabilities (OCDD) or funded through the Department of Health and Hospitals (DHH); and to individuals in programs/agencies contracting for services with DHH except as prohibited in §911.B.5. Persons who successfully complete the certified medication attendant (CMA) course and demonstrate an acceptable level of competency on a written test and a practical examination are eligible for certification as medication attendants. Use of certified medication attendants (CMAs) on the part of private providers that contract with DHH is strictly voluntary.

B. The guidelines establish:

1. - 6. ...

7. role and responsibilities of the Office for Citizens with Developmental Disabilities; and

8. composition and role of Certified Medication Attendant Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:694 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§903. Definitions

A. For the purpose of these CMA guidelines, the following definitions shall apply.

Abuse (adult/elderly)—the infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value (R.S. 15:503).

Abuse (child)—any of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

a. the infliction or attempted infliction, or, as a result of inadequate supervision, the allowance or toleration of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person;

b. the exploitation or overwork of a child by a parent or any other person;

c. the involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state (*Children's Code*, article 1003).

Authorized Instructor—a registered nurse (RN), with a minimum of one-year experience working with people with developmental disabilities, who has completed the training for instructors, and has a current authorization by OCDD to teach the 60-hour medication attendant course.

CMA Applicant—an employee of an intermediate care facility for people with developmental disabilities or an in-home Medicaid home and community-based service who is enrolled in the 60-hour course curriculum.

Certified Medication Attendant (CMA)—the designation given an employee who has successfully completed the 60-hour course and passed the OCDD initial certification exam and has been issued a certificate by OCDD.

Department—the Department of Health and Hospitals (DHH).

Exploitation (adult/elderly)—the illegal or improper use or management of the funds, assets, or property of a person who is aged or an adult with a disability, or the use of power of attorney or guardianship of a person who is aged or an adult with a disability for one's own profit or advantage (R.S. 15:503).

Extortion (adult/elderly)—the acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority (R.S. 15:503).

Falsification of Participant Medical Records—includes, but is not limited to, falsification of time, dosage, date, amount, and documentation of prescribed treatment that did not occur.

Falsification or Alteration of CMA Certificate—includes, but is not limited to, altering expiration date, CMA name, OCDD coordinator's signature, or attempting to use another person's certificate.

HCBS (Home and Community-Based Services)—one or more of the following services:

a. *personal care attendant services*—services required by a person with a disability in order to become physically independent or to remain in or return to the community;

b. *respite care services*—the temporary care and supervision of a person with a disability or an infirm elderly person so that the primary caregiver can be relieved of such duties. Respite care services may be performed either in the home of the person with a disability or infirm elderly person or in a facility owned by the home- and community-based service provider who provides respite care services. For the purposes of this Section, person with a disability shall mean a person with a physical, mental, or medical condition or an adult who requires assistance with activities of daily living;

c. *supervised independent living services*—necessary training, social services, and medical services to enable a person who has mental illness or who has developmental disabilities and who is living in congregate or

individual apartments to live as independently as possible in the community;

d. *family support services*—advocacy services, family counseling, including genetic counseling, family subsidy programs, parent-to-parent outreach, legal assistance, income maintenance, parent training, homemaker services, minor home renovations, marriage and family education, and other related programs;

e. *adult day care services*—a group program designed to meet the individual needs of functionally impaired adults which is structured and comprehensive and which provides a variety of health, social, and related support services in a protective setting for a portion of the 24-hour day. The group program shall provide for 10 or more functionally impaired adults who are not related to the owner or operator of the home- and community-based service provider. For the purposes of this Section, *functionally impaired adults* shall mean individuals aged 17 years of age and older who are physically, mentally, or socially impaired to a degree that supervision is necessary;

f. *substitute family care services*—services providing 24-hour personal care, supportive services and supervision to adults who meet the criteria for having a developmental disability;

g. *supported employment*—a system of supports for people with disabilities in regards to ongoing employment in integrated settings. Supported employment can provide assistance in a variety of areas, including:

- i. job development;
- ii. job coaches;
- iii. job retention;
- iv. transportation;
- v. assistive technology;
- vi. specialized job training; and
- vii. individually tailored supervision;

h. *monitored in-home caregiving*—services provided by a principal caregiver to a client who lives in a private unlicensed residence. The principal caregiver shall reside with the client, and shall be contracted by the licensed HCBS provider having a monitored in-home caregiving service module.

Home- and Community-Based Service Provider—an agency, institution, society, corporation, person or persons, or any other individual or group that provides one or more home- and community-based services as defined in this Section. The term *home- and community-based service provider* shall not include any of the following:

a. any person, agency, institution, society, corporation, group, or entity that solely prepares and delivers meals, that solely provides sitter services, or that solely provides housekeeping services;

b. any person, agency, institution, society, corporation, group, or entity who provides gratuitous home- and community-based services;

c. any individual licensed practical nurse or registered nurse who has a current Louisiana license in good standing, and who provides personal nursing services in the home to an individual, provided that the nurse has contracted with the individual or family for such services and payment of such services;

d. staffing agencies which supply contract workers to a health care provider licensed by the department;

e. any person who is employed as part of a department authorized self-direction program (R.S. 40:2120.2).

ICF/DD (Intermediate Care Facility for People with Developmental Disabilities)—an institution (or distinct part of an institution) that:

a. is primarily for the diagnosis, treatment, or rehabilitation of people with developmental disabilities or persons with related conditions; and

b. provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each individual function at his or her greatest ability (CMS 42 CFR 435.1009).

Institutional Abuse or Neglect—any case of child abuse or neglect that occurs in any public or private facility that provides residential child care, treatment, or education (*Children's Code*, article 603).

Misappropriation of Property—to take possession, without permission, of any and all of an individual's personal belongings.

Neglect (adult/elderly)—the failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall, for that reason alone, be considered to be neglected or abused (R.S. 15:503).

Neglect (child)—the refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or abused. Disagreement by the parent regarding the need for medical care shall not, by itself, be grounds for termination of parental rights. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare (*Children's Code*, article 1003).

Office—the Office for Citizens with Developmental Disabilities (OCDD).

Supports and Services Center—a state ICF/DD operated by the Office for Citizens with Developmental Disabilities.

Waiver Program Services—other services approved by the Centers for Medicare and Medicaid Services for home- and community-based waivers for the Louisiana Medicaid Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental

Disabilities, LR 21:694 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§905. Applicability

A. These guidelines shall apply only for certification of medication attendants who are:

1. employed in intermediate care facilities for people with developmental disabilities (ICFs/DD) operated by the Office for Citizens with Developmental Disabilities;
2. employed in community homes for people with developmental disabilities and/or small or large intermediate care facilities for people with developmental disabilities funded through the Department of Health and Hospitals;
3. employed in program/agencies, except as prohibited by §911.B.5, contracting with the Department of Health and Hospitals for services to people with developmental disabilities; or
4. employed in programs supporting individuals licensed in HCBS services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§907. Qualifications of Applicants to be Medication Attendants

A. Each person accepted to participate in the medication attendant course must be:

1. ...
2. an employee of an intermediate care facility for people with developmental disabilities or an in-home Medicaid home and community-based service provider agency who is enrolled in the 60-hour course curriculum;
3. - 4. ...
5. be free of communicable diseases and in suitable physical and emotional health to administer medications safely;
6. have no known record or history of:
 - a. - c. ...
 - d. conviction of a felony or other conviction that bars employment in accordance with R.S. 40:1300.53 or other applicable state law.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§909. Qualifications of Instructors for Certified Medication Attendant Courses

A. A registered nurse (RN) with a minimum of one year of clinical experience as a nurse consultant or a full-time nurse for a provider agency providing services to individuals with developmental disabilities in a day-habilitation facility, state facility, ICF/DD or HCBS setting qualifies as an instructor to teach the 60-hour course consisting of 40-hours classroom theory and 20 hours of clinical practical. The RN may delegate the 20 hours of practical training to a licensed practical nurse (LPN) with a minimum of one year of clinical experience in a developmental disability setting and knowledge of the course.

B. The RN instructor must complete training offered by the OCDD in the curriculum prior to teaching the course.

C. The DHH/OCDD may offer the medication administration instructor course on at least an annual basis, or as determined by the certified medication attendant committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§911. Authorized and Prohibited Functions of Certified Medication Attendants

A. Authorized functions of the certified medication attendant:

1. deliver medications ordered by a physician, dentist, or authorized prescriber to individuals for self-administration verifying with the medication administration record, the correct individual, dosage, medication name, route, and time;
2. deliver and administer medications ordered by a physician, dentist, or authorized prescriber to individuals with the supervision of a registered nurse, as defined in LAC 46:XLVII.3703.A, verifying with the medication administration record, the correct individual, dosage, medication name, route, and time;
3. administer oral medications, enemas, douches, ointments, pre-measured oral inhalant aerosols, and suppositories unless otherwise indicated;
4. record in the individual's chart:
 - a. doses delivered to and/or administered to the individual;
 - b. effectiveness of the drug;
 - c. any adverse effect of the drug;
 - d. appropriate vital signs as indicated by the physician order and/or knowledge of the drug; and
 - e. may transfer prescribed medication information to a medication administration record (MAR); may transfer medication information using a pre-printed pharmacy label indicating the correct individual, dosage, medication name, route, and time;
5. administer prescribed pro re nata (PRN), or as needed, medications when authorized by a licensed physician, dentist, authorized prescriber, or registered nurse. The authorizing health care professional must document the authorization in writing within 24 hours.

B. Prohibited functions of the certified medication attendant:

1. may not give medications by intramuscular, intravenous, or subcutaneous routes;

NOTE: This does not include finger sticks for routine capillary blood glucose monitoring. The CMA may perform routine capillary blood glucose monitoring for clients who do not require sliding scale insulin. This also does not include epinephrine pen usage for emergency situations.
2. may not administer medications by the oral inhalant aerosol route unless administering a premeasured dosage unit provided by the manufacturer;
3. may not receive or assume responsibility for reducing to writing oral or telephone orders from a physician, dentist, or authorized prescriber;

4. may not alter medication dosages as delivered from the pharmacy unless authorized by a physician, dentist, or authorized prescriber. Alteration of a medication dosage may include giving more or less than the dosage ordered or crushing, cutting or diluting without an order to do so by the physician, dentist or authorized prescriber;

5. may not administer medications in an acute care setting, including those funded by DHH and/or operated by the OCDD;

6. may not administer any medications when there is indication that the medication has been inappropriately dispensed by the pharmacist or mishandled by other persons;

7. may not delegate medication administration to others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§913. Certified Medication Attendant Course

Curriculum

A. Each applicant must complete a 60-hour course to become a certified medication attendant.

1. The course curriculum is 40 hours of classroom theory to include at a minimum, instruction in the following topics:

- a. - j. ...
- k. skills-tasks to be completed for competency; and
- l. ...

2. Twenty-hour practical may consist of 10 hours of classroom demonstration and 10 hours on the unit for hands-on experience. The applicant must attain proficiency in the following 26 skill areas, either by actual demonstration, or by verbally demonstrating to the satisfaction of the licensed nurse:

- a. - f. ...
- g. capillary blood glucose monitoring;
- h. - q. ...
- r. taking auric temperature;
- s. premeasured transdermal patches;
- t. nasal atomizer;
- u. oral powdered medications;
- v. charting;
- w. crushing tablets;
- x. rectal creams;
- y. premeasured dosage unit provided by the manufacturer of an oral aerosol inhalant;
- z. limited sublingual medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:696 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§915. Certification Requirements and Process

A. CMA certificates issued after rule promulgation will expire two years from the last day of the month that the certificate was printed.

1. ...

2. The CMA applicant must complete the 60-hour course: 40 hours of classroom theory and 20 hours of practical with a minimum of 10 of those hours conducted in the work place.

3. The CMA applicant must demonstrate proficiency in the 26 skill areas to pass the practical portion of the course. An RN or LPN must administer the practical. Proficiency may be either verbal or physical demonstration. A pass/fail grade shall apply.

4. After completion of the 60-hour course, the CMA instructor completes Form CMA-2, initial exam and certification request, and sends it to the regional coordinator to request applicant(s) be scheduled for the written OCDD CMA certification exam. Form CMA-2 must be attached to the Form CMA-1, profile sheet, for each applicant. All forms must be received by the regional coordinator before an exam date can be scheduled.

5. The regional coordinator will:

- a. ...
- b. notify the central office CMA coordinator to mail or email an electronic version of the exam that cannot be modified to the regional coordinator (The exam consists of 50 questions at 2 points each for a total possible score of 100 points.);
- c. - e. ...
- f. notify agency about applicants' scores;
- g. mail certificates to the agency;
- h. assist CMA instructors regarding any questions;

and

i. maintain copies of all forms submitted to the central office coordinator.

6. The central office coordinator will:

- a. - a.iii. ...
- b. send the regional coordinator the exam scores and certificates.

7. - 8. ...

9. The certificate shall include at least the following:

- a. - c. ...
- d. an embossed seal;
- e. the signature of the assistant secretary of OCDD;

and

f. the official logo for the OCDD.

B. - B.5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:696 (July 1995), amended LR 23:1147 (September 1997), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§917. Re-Certification Requirements and Process

A. Recertification is required every two years. Each CMA must be recertified. The requirements for recertification are:

1. every two years a CMA must complete a total of nine hours of in-service training. Two of the nine hours must directly relate to the agency's medication administration policy and procedure. The remaining seven hours of in-

service must relate to medication administration. A CMA working in multiple agencies may combine training to meet these requirements with the exception that the two-hour training on agency medication administration policy and procedure is required for each employer. Each agency must have documentation of each CMA's required nine hours of in-service training;

2. annually, the CMA must pass with proficiency, either by physical or verbal demonstration, the 26 skills on the practical checklist. The annual cycle is based on the last day of the month that the certificate was printed. If a CMA changes employers within the certification period and training records are not available for the first year, the new employer must determine competency by assessing the 26 skills upon hire, in addition to meeting these requirements for re-certification.

B. - C. ...

D. The re-certification requirements must be met prior to the month of expiration of the CMA's certification.

E. A CMA who has not worked directly with medication administration in a facility, program, or agency for individuals with developmental disabilities for 24 months or more must take the OCDD CMA state exam again and pass with proficiency the 26 skills checklist. If the CMA does not pass the state exam, then the CMA must repeat the 60-hour course and pass the exam prior to being recertified. Failure to pass the state exam will result in de-certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:697 (July 1995), amended LR 23:1147 (September 1997), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§919. Decertification of Medication Attendants

A. Decertification shall occur under the following conditions:

1. falsification of participant medical records as defined in these regulations;

2. - 6. ...

B. Decertification may occur under the following conditions:

1. failure of CMA to obtain re-certification requirements results in decertification. The CMA may be reinstated if the re-certification requirements are met within six months of expiration of the certificate. During this six-month period the CMA's authorized functions shall be suspended;

2. unsatisfactory performance of CMA reported by a licensed nurse, either RN or LPN, can result in either a temporary suspension of the CMA's medication administration privileges or decertification. The RN may choose to suspend CMA medication administration privileges not to exceed three months and provide training during which time the CMA may administer medications only under RN or LPN direct observation. After completion of designated suspension and training, the RN reserves the right to re-instate medication administration privileges or decertify the CMA. If decertified, the CMA must repeat the 60-hour course and retake the OCDD CMA certification exam. The reinstatement of CMA medication administration privileges does not extend the expiration date of the certificate.

C. - E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:697 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§923. Reciprocity

A. A provider whose employee furnishes documentation as to successful completion of an equivalent medication administration course conducted in another state and meets other criteria stated in these guidelines and successfully passes the 26 skills checklist and the CMA initial certification exam, may on a case-by-case basis be granted reciprocity. The provider agency would complete Form CMA-5, reciprocity request, and mail to the central office OCDD coordinator. The Certified Medication Attendant Committee will review the documentation and determine if the person will be certified as a CMA in Louisiana. If reciprocity is granted, the provider is notified and the central office OCDD coordinator would issue the certificates to the provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:699 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§925. Provider Responsibility

A. There will be no discrimination in selection of medication attendants for reason of race, color, creed, religion, disability, as defined in R.S. 51:2232(11), or national origin.

B. Each provider shall maintain records on each CMA. The records must include:

1. the current monitoring skills checklist required for certification and re-certification;

2. a copy of the current certificate issued to the CMA by the central office coordinator. The second copy must be provided to the CMA;

3. documentation of annual successful completion of the 26 skills checklist and completion every two years of continuing education necessary for re-certification of CMA.

C. The provider shall have policies and procedures in place regarding medication administration processes.

D. The provider is legally responsible for the level of competency of its personnel and for ensuring that unlicensed staff administering medication have successfully completed the medication administration course curriculum. Additionally, the provider is responsible for maintaining re-certification requirements of its CMAs and ensuring that its CMAs perform their functions in a safe manner.

E. The provider is responsible for providing access to RN supervision of staff through employment or through a contract with a registered nurse. This nurse should review all medication errors on a monthly basis.

F. The provider shall conduct thorough employment checks including verification of CMA certification.

G. The provider is responsible for contacting the central office to verify that a CMA is in good standing prior to employing a CMA certified by another provider. The central office coordinator will send the provider Form CMA-6 verifying that the CMA is in good standing. Form CMA-6

must be maintained on file in the provider's records. The CMA would be responsible for providing a copy of his or her certificate to the provider.

H. If a CMA changes employers within the certification period and training records are not available for the first year, the new employer must determine competency by assessing the 26 skills upon hire, in addition to meeting the requirements for re-certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:699 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§927. Office for Citizens with Developmental Disabilities Responsibilities

A. The OCDD shall ensure the integrity of the medication administration course by:

1. - 3. ...
4. administer the tests for initial certification of CMAs;
5. grading the tests for initial certification of CMAs;
6. maintaining the originals of written examinations with scoring;
7. maintaining a roster of nurses who complete the CMA instructor training;
8. issuing certificates;
9. offering an instructor's course;
10. convening the Certified Medication Administration Committee as needed;
11. verifying CMAs are in good standing; and
12. maintaining a CMA registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:700 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

§929. The Certified Medication Administration Committee

A. Composition of committee as determined by the assistant secretary of OCDD:

1. authorized CMA instructors;
 2. ...
 3. two OCDD regional coordinators;
 4. an individual or individual's representative (e.g., family member), and
 5. other representatives as determined by the office.
- B. Responsibilities of the committee:
1. ...
 2. review requests for reciprocity status; and
 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:700 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:

Family Impact Statement

It is anticipated that the proposed action will have no known or foreseeable impact on the:

1. stability of the family;
2. authority and rights of parents regarding the education and supervision of their children;

3. functioning of the family;
4. family earnings and family budget;
5. behavior and personal responsibility of children; or
6. ability of the family or a local government to perform the functions as contained in the proposed action.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Mark A. Thomas, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. He is responsible for responding to inquiries regarding this proposed Rule. The deadline for all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for July, 27, 2016 at 9:30 a.m., in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Certification of Medication Attendants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule amends Louisiana Administrative Code Title 48, Part IX, Chapter 9 – Guidelines for Certified Medication Attendant (CMA), to extend the certification period from one year to two years as well as revise guideline definitions and certain administrative requirements. The CMA designation is given to unlicensed employees in Intermediate Care Facilities for People with Developmental Disabilities (ICF/DDs) and home and community-based settings that successfully complete 60 hours and pass a certification exam.

The designation allows unlicensed employees to administer medication to individuals.

Besides the cost of rule promulgation, the proposed rule will have no fiscal impact on the Department of Health and Hospitals (DHH) or Local Governing Entities (i.e., Human Services Districts/Authorities). The cost of rulemaking is anticipated to be \$6,127 in State General Fund for promulgation of both the proposed rule and the final rule. The cost of rulemaking is routinely included in the agency's annual operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Extending the certification period from one year to two years allows ICF/DD and home and community-based providers time to meet employee re-certification requirements; and reduce training and continuing education costs on providers trying to maintain annual certification on employees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Mark A. Thomas
Assistant Secretary
1606#050

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Carbon Dioxide Enhanced Oil Recovery
(LAC 43:XIX.Chapter 4)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX.Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment is made to implement application requirements for carbon dioxide enhanced oil recovery.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 4. Pollution Control (Class II Injection/Disposal Well Regulations)

§401. Definitions

Confining Zone—a geological formation, group of formations, or part of a formation that is capable of limiting fluid or gas movement above an injection zone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 42:

§405. Application Requirements for New Enhanced Recovery Injection and New Saltwater Disposal Wells

A. - B.5.f. ...

C. Area of Review for Enhanced Oil Recovery Wells Injecting Carbon Dioxide

1. The area of review (AOR) will be the approved enhanced oil recovery (EOR) project area plus the surrounding region where USDWs may be endangered by the carbon dioxide (CO₂) injection activities, at a minimum, no less than 1/4 mile beyond the project area. The AOR shall extend no closer than 1/2 mile, at a minimum, to any EOR well injecting or permitted to inject CO₂. For EOR projects injecting CO₂ that are permitted as of the effective date of these regulations, the owner or operator of the project has 30 days from the effective date of these regulations to submit a plan to the commissioner to come into compliance with §405.C, D, and E.

2. If it is determined at any time that the injected CO₂ and associated reservoir fluids have migrated beyond the boundary of the approved EOR project area, the AOR shall be redefined to extend, at a minimum, no less than an additional 1/4 mile beyond the migrating front.

3. The owner or operator of a class II EOR CO₂ injection well must submit a plan acceptable to the commissioner to periodically reevaluate the AOR for the proposed CO₂ EOR project and perform corrective action for any identified deficient wells. The AOR must be reevaluated on a frequency not to exceed five years.

4. The owner or operator of the class II EOR CO₂ injection well must identify all penetrations within the defined AOR including active and abandoned wells, underground mines, and any other man-made penetrations that penetrate the confining zone above the permitted EOR injection zone.

5. The owner or operator must determine which wells within the AOR have been constructed and/or plugged in a manner that prevents movement of CO₂ or other fluids that may endanger USDWs, and any wells which may require corrective action to ensure protection of USDWs.

6. For phased implementation of an EOR project injecting CO₂, the commissioner may allow injection operations to commence prior to a complete evaluation of all wellbores within the AOR if the operator presents a plan acceptable to the commissioner to complete the evaluation and perform any required corrective action in advance of the injected carbon dioxide and associated reservoir fluids migration to the area. The plan must include a method to monitor the injected carbon dioxide and associated reservoir fluids to ensure that the AOR review and any corrective action is performed at least 1/2 mile ahead of the boundary of the migrating front.

D. Corrective Action for Enhanced Oil Recovery Projects Injecting Carbon Dioxide

1. Owners or operators of class II EOR CO₂ injection wells must perform corrective action on all wells in the area of review that the commissioner has determined to require corrective action.

2. Owners or operators of class II EOR CO₂ injection wells shall submit a corrective action plan acceptable to the commissioner addressing all identified deficiencies within a time specified by the commissioner.

E. Emergency and Remedial Response for Enhanced Oil Recovery Projects Injecting Carbon Dioxide

1. As part of the permit application for a class II EOR CO₂ well, the owner or operator must provide the commissioner with an emergency and remedial response plan that outlines the actions the owner or operator must take to address movement of the injection or formation fluids that may cause an endangerment to a USDW during construction and operational periods.

2. If the owner or operator obtains evidence that the injected carbon dioxide and/or associated reservoir fluids are no longer confined to the permitted EOR injection zone or may cause an endangerment to a USDW, the owner or operator must:

- a. take all steps reasonably necessary to identify, characterize, and control any release;
- b. notify the commissioner within 24 hours; and
- c. implement the emergency and remedial response plan approved by the commissioner.

3. The owner or operator shall review the emergency and remedial response plan developed under §405.E.1 periodically, but at least once every five years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the commissioner that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the commissioner and are subject to the permit modification requirements at §411, as appropriate. Amended plans or demonstrations shall be submitted to the commissioner as follows:

- a. within one year of an AOR reevaluation;
- b. following any significant changes to the EOR project, such as the addition of injection wells or the reclassification of wells; or
- c. when required by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2807 (December 2000), amended LR 42:

§423. Plugging Requirements

A. ...

B. Enhanced Oil Recovery Projects Injecting Carbon Dioxide. Prior to the conclusion of the enhanced oil recovery (EOR) project, the operator shall present a plan of project abandonment (the "plan"). The commissioner shall assess the plan to ensure that it meets all applicable legal requirements and will protect the underground sources of drinking water (USDW) and the health, safety, and welfare of the public. After reviewing the plan, the commissioner may require additional information before approval of such plan, or impose additional requirements for the EOR project abandonment to assure protection of the USDW.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2810 (December 2000), amended LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., July 11, 2016, at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. I and M 2016-01. All inquiries should be directed to Stephen Lee at the above addresses or by phone to (225) 342-5569. No preamble was prepared.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Carbon Dioxide Enhanced Oil Recovery

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs to state or local governmental units as a result of the proposed rule change. Application requirements already exist for Enhanced Oil Recovery methods, although none specifically address the use of carbon dioxide. The proposed rule seeks to implement application requirements for Carbon Dioxide Enhanced Oil Recovery. Carbon Dioxide Enhanced Oil Recovery is a process in which carbon dioxide is injected into an oil reservoir to push any remaining oil to the top of the reservoir for extraction. It is typically used as a tertiary method of extraction after primary and secondary techniques have extracted the bulk of the oil from a reservoir. As such, the new requirements specific to Carbon Dioxide Enhanced Oil Recovery will be evaluated using existing documents and staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The group directly affected by these rules changes will be Exploration and Production (E and P) companies. There are currently two companies in the state using carbon dioxide techniques for extraction. The department believes that the companies affected by these regulations have already incorporated these standards and are currently in compliance. To that end, there are no anticipated increased costs to E and P companies or other non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Richard P. Ieyoub
Commissioner
1606#038

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Off-Road Vehicles
(LAC 55:III.Chapter 21)

Under the authority of R.S. 32:299.3 and R.S. 32:299.4, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles (department), hereby gives notice of its intent to promulgate rules defining, identifying categorizing and regulating utility terrain vehicles and golf carts for use as off-road vehicles operated on public roads or streets. These rules are new and implement the provisions of Acts 2015, Nos. 122 and 308.

Title 55 PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 21. Off-Road Vehicles

Subchapter A. Utility Terrain Vehicles

§2101. Definition

Utility Terrain Vehicle (UTV)—a recreational motor vehicle or a recreational off-highway vehicle (ROV) designed for and capable of travel over designated roads that meet the following qualifications:

1. travels on four or more tires with a maximum tire width of 27 inches;
2. has a maximum wheel cleat or lug of 3/4 of an inch;
3. has a minimum width of 50 inches but not exceeding 74 inches;
4. has a minimum weight of at least 700 pounds but not exceeding 2,000 pounds;
5. has a minimum wheelbase of 61 inches but not exceeding 110 inches; and
6. includes those vehicles not equipped with a certification label as required by 49 CFR Part 567.4, and excludes:
 - a. golf carts;
 - b. vehicles specially designed to carry a disabled person; or
 - c. vehicles otherwise registered under R.S. 32:299.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2103. Prohibition Exceptions to Use of Utility Terrain Vehicles on Public Roads or Streets

A. The use of utility terrain vehicles on public roads or streets are prohibited except as follows:

1. operation of a utility terrain vehicle upon a parish road that has been designated by a parish for use by a utility terrain vehicle with appropriate posted signage indicating that the operation is authorized;
2. operation of a utility terrain vehicle upon a municipal street that has been designated by a municipality for use by a utility terrain vehicle with appropriate posted signage indicating that the operation is authorized;
3. operation at an intersection crossing any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2105. Requirements for Utility Terrain Vehicles

- A. Operator must be at least 21 years of age.
- B. Operator must possess a valid driver's license.
- C. Any utility terrain vehicle operated upon any roadway or street shall be equipped with minimum motor vehicle equipment appropriate for motor vehicle safety including the following:
 1. head lamps;
 2. front and rear turn signal lamps;
 3. tail lamps;
 4. stop lamps;
 5. reflex reflectors:
 - a. one on each side as far to the rear as practicable; and
 - b. one red reflector on the rear of the vehicle;
 6. exterior mirror mounted on the driver's side of the vehicle;
 7. exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
 8. parking brake;
 9. adequate windshield;
 10. windshield wiper;
 11. speedometer;
 12. odometer;
 13. braking for each wheel;
 14. seatbelt assembly installed at each designated seating position;
 15. vehicle identification number or serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2107. Requirements for Registering a Utility Terrain Vehicle

- A. A completed application form (DPSMV 1799).
- B. Manufacturer's statement of origin (new/unregistered vehicle) or title.
- C. Itemized invoice from dealer to purchaser or original notarized bill of sale or invoice (new/unregistered) or current certificate of title assigned before a notary by seller to purchaser, with the properly released lien, if applicable.
- D. Properly completed and signed odometer disclosure statement.
- E. Original or copy of properly completed UCC-1 form, or other security agreement, if a lien is to be recorded.
- F. Proof of liability insurance.
- G. A statement from the purchaser indicating the following:
 1. that the utility terrain vehicle contains all equipment required for use as indicated above and has a minimum wheelbase of 61 inches but not exceed 110 inches;
 2. that the owner is aware that the vehicle is only permitted to be used by a licensed driver at least 21 years of age;
 3. that the utility terrain vehicle may only be used upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality,

for use by a utility terrain vehicle or cross any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour at an intersection.

H. Applicable fees (title, handling, recordation fee).

I. Applicable sales/use tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2109. Requirements for Reclassifying a Qualifying Vehicle as a Utility Terrain Vehicle

A. A completed vehicle application form (DPSMV 1799), including section D on the reverse side of the form.

B. Original title.

C. A statement from the purchaser indicating the following:

1. that the utility terrain vehicle contains all equipment required for use as indicated above and has a minimum wheelbase of 61 inches but not exceed 110 inches;

2. that the owner is aware that the vehicle is only permitted to be used by a licensed driver at least 21 years of age;

3. that the utility terrain vehicle may only be used upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality, for use by a utility terrain vehicle or cross any divided highway, highway, roadway, or street with a posted speed limit in excess of 35 miles per hour at an intersection.

D. Applicable fees (title and handling).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2111. Requirements for Utility Terrain Vehicle Roadway Operation

A. A utility terrain vehicle will be issued an off-road decal.

B. Utility terrain vehicles are subject to the compulsory insurance requirements.

1. If liability insurance is cancelled it will result in a revocation of the registration and the driver's license.

2. To prevent insurance cancellations, the title must be surrendered and a title correction processed to re-classify the vehicle as an off-road vehicle. A title fee will be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3. and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

Subchapter B. Golf Carts

§2113. Definition

Golf Cart—an electric four-wheeled vehicle originally intended for use off-road on golf courses and other green spaces whose maximum speed is twenty-five miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2115. Prohibition Exceptions to Use of Golf Carts on Public Roads or Streets

A. The use of golf carts on public roads or streets are prohibited except as follows.

1. A golf cart may be operated only upon a parish road that has been designated by a parish, or a municipal street that has been designated by a municipality, for use by a golf cart. Upon a designation that a golf cart may be operated on a designated road or street, the responsible governmental entity shall post appropriate signage indicating that the operation is authorized.

2. A golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing.

B. No person shall operate a golf cart upon a parish road or municipal street without a valid driver's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2117. Requirements

A. Any golf cart operated upon any roadway or municipal street shall be equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety including:

1. efficient brakes;
2. reliable steering apparatus;
3. safe tires;
4. rear view mirror;
5. red reflectorized warning devices in both the front and rear of the vehicle;
6. front and rear turn signal lamps;
7. tail lamps;
8. brake lamps;
9. headlamps;
10. vehicle identification number or serial number;

11. a parish or municipal government may enact an ordinance relating to golf cart operation and may require equipment more extensive than indicated above, however, the list indicated above will be the only equipment required to title the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2119. Requirements for Titling a Golf Cart

A. The documentation required to register a golf cart is the same as the basic titling requirements:

1. a completed vehicle application form (DPSMV 1799);
2. manufacturer's Statement of Origin (new/unregistered vehicle) or title;
3. itemized invoice from dealer to purchaser or original notarized bill of sale or invoice (new/unregistered) or current certificate of title assigned before a notary by seller to purchaser, with the properly released lien, if applicable;

4. original or copy of properly completed UCC-1 form, or other security agreement, if a lien is to be recorded;
5. proof of liability insurance;
6. a statement from the purchaser indicating:
 - a. that the golf cart contains all equipment required for use as indicated above;
 - b. the owner is aware that the vehicle is only permitted to be used by a licensed driver;
7. the golf cart may be operated only upon a parish road that has been designated by a parish or a municipal street that has been designated by a municipality for use by a golf cart;
 - a. a golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing;
 8. applicable fees (title, handling, recordation fee);
 9. applicable sales/use tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2121. Requirements for Reclassifying Vehicle as a Golf Cart

A. A completed vehicle application form (DPSMV 1799), including section D on the reverse side of the form:

1. original title;
2. A statement from the purchaser indicating:
 - a. that the golf cart contains all equipment required for use as indicated above;
 - b. the owner is aware that the vehicle is only permitted to be used by a licensed driver.
3. The golf cart may only be used upon a parish road that has been designated by a parish or a municipal street that has been designated by a municipality for use by a golf cart. A golf cart may be used to cross a part of a state highway where a golf course is constructed on both sides of the state highway if the Department of Transportation and Development has issued a permit for the crossing.
4. Applicable fees (title and handling).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

§2123. Requirements for Golf Cart Roadway Operation

- A. A golf cart will be issued an off road decal.
- B. Golf carts are subject to the compulsory insurance requirements. If liability insurance is cancelled, it will result in a revocation of the registration and the driver's license. To prevent insurance cancellations, the title must be surrendered and a title correction processed to re-classify the vehicle as an off road vehicle. A title fee will be assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:299.3 and R.S. 32:299.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles, LR 42:

Public Comments

Interested persons may submit written comments to Harrietta J. Bridges and Jennifer Del Murray, by mail at Post Office Box 66614, Baton Rouge, Louisiana 70896, by fax at (225) 925-3974, or by e-mail at Jennifer.murray@la.gov or Harrietta.bridges@la.gov. Written comments will be accepted through the close of business, July 15, 2016. A public hearing is tentatively scheduled for July 25, 2016 at 10 a.m. at 7979 Independence Blvd. Suite 301, Baton Rouge, LA 70806. Please call or e-mail in advance to confirm the time and place of meeting, as the meeting will be cancelled if the requisite number of comments is not received.

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.
2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.
3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.
4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.
5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any effect on the behavior and personal responsibility of children.
6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.
2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Poverty Impact Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.
2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in

the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Jason Starnes
Interim Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Off-Road Vehicles

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will have no material effect on state or local governmental expenditures. The proposed rules stating that utility terrain vehicles (UTVs) and golf carts be issued offroad decals codify present practice and has no material expenditure impact.

The proposed rules codify regulations on roadways where golf carts and utility terrain vehicles (UTVs) may be used, compulsory motor vehicle insurance requirements for UTVs and golf carts, requirements for registering UTVs and golf carts, minimum requirements for compliant golf carts and UTVs, procedures for reclassifying qualifying vehicles as UTVs and golf carts, and requirements for titling UTVs and golf carts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will have no material effect on state or local governmental revenues. The Office of Motor Vehicles reports that UTVs and golf carts are currently subject to title and registration requirements and all applicable fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules will affect persons who own utility terrain vehicles (UTVs) and golf carts as described in LA R.S. 32:299.3 and 32:299.4 who desire to operate these vehicles on approved roadways. The proposed rule changes do not create any new fees, but creates compliance requirements for UTVs and golf carts. Contained in the proposed rules are regulations on roadways where golf carts and UTVs may be used, requirements for registering UTVs and golf carts, minimum requirements for compliant golf carts and UTVs, requirements for reclassifying qualifying vehicles as UTVs and golf carts, and requirements for titling UTVs and golf carts. Persons owning UTVs and golf carts must comply with the proposed rules, including obtaining compulsory motor vehicle insurance, to operate the aforementioned vehicles under full compliance. To the extent persons owning UTVs and golf carts do not already meet the requirements outlined in the proposed rule changes, they would likely incur costs associated with making their vehicles compliant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no material effect on competition and employment.

Jason Starnes
Interim Undersecretary
1606#053

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police Transportation and Environmental Safety Section

Motor Vehicle Inspections (LAC 55.III.803)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., Act 138 of the 2009 Regular Session, and R.S. 32:1304 et seq., gives notice of its intent to promulgate amended rules which remove incorrect Section numbers which were inadvertently included in a recent promulgation of LAC 55:III.803.B.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 8. Motor Vehicle Inspection

Subchapter A. General

§803. Penalties for Non-Compliance (Formerly §701)

A. - B. ...

1. allowing uncertified mechanics to inspect;
2. illegal sale of inspection certificates. This shall include the sale of fraudulent MVI certificates, rejection certificates or any insert that is attached to the MVI certificate;
3. involvement in criminal activity of a felony nature;
4. intentionally falsifying a report (written or electronic);
5. intentionally overcharging for inspections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1310 and 32:1312 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 21:184 (February 1995), amended LR 38:2550 (October 2012), LR 42:428 (March 2016), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 42:

Family Impact Statement

1. The effect of these rules on the stability of the family. These rules should not have any effect on the stability of the family.
2. The effect of these rules on the authority and rights of parents regarding the education and supervision of their children. These rules should not have any effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect of these rules on the functioning of the family. These rules should not have any effect on the functioning of the family.

4. The effect of these rules on family earnings and family budget. These rules should not have any effect on family earnings and family budget.

5. The effect of these rules on the behavior and personal responsibility of children. These rules should not have any effect on the behavior and personal responsibility of children.

6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed rules. These rules should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

2. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Paul Schexnayder, P.O. Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through July 15, 2016.

Jason Starnes
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Motor Vehicle Inspections

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local government expenditures. The proposed rule simply

removes reference to incorrect section numbers for serious violations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no estimated costs or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules change will not affect competition and employment.

Jason Starnes
Undersecretary
1606#036

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Grouper Size Limit Season Modification (LAC 76:VII.335)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.335) modifying existing reef fish harvest regulations. Proposed changes modify the season for the recreational harvest of gag grouper to be closed from January 1 through May 31 of each year and increase the recreational minimum size limit of gag and black grouper from 22 to 24 inches total length. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish—Harvest Regulations

A. - D.8. ...

E. Recreational and Commercial Minimum and Maximum Size Limits, Unless Otherwise Noted

Species	Minimum Size Limits
[See Prior Text for 1-7]	
8. Gag grouper	24 inches total length (Recreational) 22 inches total length (Commercial)
9. Black grouper	22 inches total length (Recreational) 24 inches total length
[See Prior Text for 10-14]	

F. - G.1. ...

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

Species or Group	Closed Season
a. Gag	January 1-May 31 of each year
[See Prior Text in b-e]	

G.3. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:320.2(C), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38:2383 (September 2012), LR 39:330 (February 2013), LR 40:95 (January 2014), repromulgated LR 40:1116 (June 2014), amended LR 40:2281 (November 2014), LR 42:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comment

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to Thursday, August 4, 2016.

Bart Yakupzack
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Grouper Size Limit Season Modification**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no expenditure impact on state or local governmental units. The proposed rule aligns Louisiana rules with regard to gag and black grouper recreational fishing to those adopted by the Gulf of Mexico Fishery Management Council on April 25, 2016, as applies to these groupers in federal waters.

The proposed rule change alters the minimum size limit for gag grouper caught recreationally in Louisiana from 22 inches to 24 inches total length.

The proposed rule change alters the minimum size limit for black grouper caught recreationally in Louisiana from 22 inches to 24 inches total length.

The proposed rule change lengthens the recreational fishing season for gag grouper from July 1 through December 31 to June 1 through December 31.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed increase in the recreational minimum size limits for black grouper and gag grouper is expected to reduce recreational landings of these species.

The proposed alterations in the opening and closing dates of the recreational fishing season for gag grouper will increase recreational fishing opportunities.

Because black grouper and gag grouper represent only a small percentage of Louisiana’s total marine recreational landings and because anglers do not appear to target the species specifically, the proposed rule changes are anticipated to have no economic effect.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are anticipated to have no impact on competition and employment.

Bryan McClinton
Undersecretary
1606#044

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Oyster Harvester Training Program (LAC 76:VII.539)

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule establishing the Oyster Harvester Training Program (R.S. 56:303.6(D)), for the purpose of developing professionalism in the oyster harvest industry. This Notice of Intent shall establish the requirements needed to complete the program, including training in the Louisiana Shellfish Sanitation Program and the best harvest practices for conservation of the species.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§539. Oyster Harvester Training Program

A. The following defines the requirements necessary to complete the program to develop professionalism in the commercial oyster industry pursuant to R.S. 56:303.6(D). This program shall hereafter be referred to as the Oyster Harvester Training Program.

B. Policy. Applicants for an oyster harvester license shall complete and receive a certificate for an online course within the previous three years, or within the previous year if the requirements covered in course material have substantively changed, in order to receive the oyster harvester license. The course will provide a detailed overview of the Louisiana Shellfish Sanitation Program, Chapter 3 of Part IX of Title 51 of the *Louisiana Administrative Code*, “Preparation and Handling of Seafood for Market,” and cover the legalities and best management practices of oyster fishing, including but not limited to, licensing and permitting requirements, oyster harvest regulations, reporting requirements, responsible fishing, and vessel operation. The applicant will be required to view 100 percent of the course content and score a minimum of 80 percent in order to receive a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.6(D).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comment

Interested persons may submit written comments relative to the proposed Rule to Mr. Steve Beck, Office of Fisheries, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to Friday, July 29, 2016.

Bart Yakupzack
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Oyster Harvester Training Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Louisiana Department of Wildlife and Fisheries will realize a cost of approximately \$10,000 in statutory dedications from the Conservation Fund in FY 16-17 associated with

creating the online training course and nominal out year costs associated with ongoing maintenance.

The proposed rule establishes a set of requirements for education and training for commercial fishermen wishing to obtain a Commercial Oyster Harvester License in Louisiana as per Act 276 of the 2016 Regular Legislative Session.

Beginning in Commercial License Year 2017, any individual applying for a Commercial Oyster Harvester License must have completed an Oyster Harvester Training Program within the previous three years or within the previous year if the requirements covered in the course material have changed. Education requirements include the completion of a series of online courses related to commercial fishing regulations, best practices for quality seafood production, and an overview of the Louisiana Shellfish Sanitation Program.

The proposed rule requires that the applicant must view 100 percent of the online training material and score a minimum of 80 percent on a series of questions related to the content.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is expected to have no effect on the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule requiring the completion of an Oyster Harvester Training Program is expected to have a minor effect on individuals seeking a Commercial Oyster Harvester License beginning in Commercial License Year 2017, as required by Act 276. The proposed online courses, which may be taken at no cost to the applicant, are expected to take less than one hour to complete. The courses must be repeated once every three years or within the previous year if the requirements covered in the course material have changed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is expected to have a positive effect on the Louisiana oyster industry's ability to compete in national seafood markets.

The proposed rule change is expected to have no immediate effect on employment.

Bryan McClinton
Undersecretary
1606#045

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Health Board of Pharmacy

Public Hearing—Substantive Changes to a Proposed Rule Medication Synchronization (LAC 46:LIII.2519)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy published its Notice of Intent in the April 2016 edition of the *Louisiana Register*, specifying its proposal to amend §2519 of its rules to authorize pharmacists to perform a service known as medication synchronization with regard to the dispensing of refills. As indicated in the notice, the board conducted a public hearing on May 25, 2016 to receive comments and testimony on the proposal.

The board received one request, to add a synonym of medication synchronization, refill consolidation, to the title and body of the referenced Section. The board has no objection to the request and now seeks to revise the original proposal.

The Legislative Fiscal Office has opined the proposed revision requires no modification of the original Fiscal and Economic Impact Statement which they approved.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2519. Prescription Refills; Medication Synchronization and Refill Consolidation

A. - B.2. ...

C. Medication Synchronization and Refill Consolidation. These terms refers to a service which a pharmacist may perform for his patient, at the request of the patient, wherein he may proactively adjust the medication dispensing quantity and/or the refill schedule of a prescription in order to manage the patient's medication therapy, with the goal of improved medication adherence by the patient.

1. For the performance of this service, the pharmacist may adjust the dispensing quantity and/or refill schedule originally ordered by the prescriber; however, the pharmacist shall not exceed the total quantity prescribed [dispensing quantity multiplied by the total number of fills authorized (original plus refills)], or what is otherwise allowed by law.

2. With respect to prescriptions for controlled substances where refills have been authorized, pharmacists may utilize partial fills, as described in §2747.C.5 of the board's rules, but may not exceed the dispensing quantity noted on the original prescription.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October

1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 42:

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule as well as these proposed revisions to the original proposal.

Public Hearing

A public hearing on this proposed revision to the original proposal is scheduled for Friday, July 22, 2016 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. that same day.

Malcolm J. Broussard
Executive Director

1606#054

POTPOURRI

Department of Insurance Office of Health, Life and Annuity Insurance

Annual HIPAA Assessment Rate

Pursuant to *Louisiana Revised Statute* 22:1071(D)(2), the annual HIPAA assessment rate has been determined by the Department of Insurance to be .00016 percent.

James J. Donelon
Commissioner

1606#014

POTPOURRI

Department of Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared orphaned oilfield sites.

Operator	Field	District	Well Name	Well Number	Serial Number
R. P. Phillips Well Service	Anse La Butte	L	JJ Martin	003	48186
J. B. Downs	Red River-Bull Bayou	S	Jinks Carter Estate	001	43583

Operator	Field	District	Well Name	Well Number	Serial Number
Energy Corp. Of America, Inc.	St Gabriel	L	H. H. Gueymard "B"	001	25643(30)
M.T. Grubb & C.C. Gilger	Ederly	L	The Hunter Co	B-1	47096
M. B. Chastain et al	Caddo Pine Island	S	Stiles	008	32700
Radiant Oil & Gas Operating Company, Inc	Baldwin	L	Ensminger et ux	002	247872
Radiant Oil & Gas Operating Company, Inc	Eugene Island Block 18	L	SL 21313	001	247970
Hamman Oil & Refining Co.	Merryville	L	Sabine Riv LBR Co C	001	59757(30)
Bryan R White, Jr.	Monroe	M	Bryan R White	001	102551
Bryan R White, Jr.	Monroe	M	Bryan R White	005	193186
Magnum Hunter Resources Corporation	Chalkley	L	CK W RA Su;Pine Pasture et al	001	230851
Magnum Hunter Resources Corporation	Chalkley	L	CK W RA Su;Pine Pasture et al	002	237720
Magnum Hunter Resources Corporation	Chalkley	L	CK W RA Su;Pine Pasture et al	003	245979
Magnum Hunter Resources Corporation	Chalkley	L	Pine Pasture et al SWD	001	973687
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	13400 RA VUA;SI 4238	003	108427
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	Stb8 13000 NVU;SI 4238	007	112544
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 4238	003-D	119836
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 4238	014	181205
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	Stb8 12200 RA NVU;SL 4238	011	193000
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 4238	011-D	211690
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	Stb8 13000 NVU;SL 4237	002	216118
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	15100 RA VUA;SL 14905	001	220388
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 14905	2	223907

Operator	Field	District	Well Name	Well Number	Serial Number
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 15307	001	226041
Black Elk Energy Offshore Operations LLC	South Timbalier Block 8	L	SL 4237	004	239104
Black Elk Energy Offshore Operations LLC	Wildcat-So La Lafayette Dist	L	Freshwater SWD	001	971086
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust	007	67196
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust	007-D	142443
Dune Operating Company	Broussard, North	L	Baldwin LBR Co Fee	001	193377
Dune Operating Company	Broussard, North	L	BOL M 3 RA sua;Bald Lbr Co Fee	003	212335
Dune Operating Company	Broussard, North	L	BOL M 1 RA sub;Bald Lbr Co Fee	006	217868
Dune Operating Company	Broussard, North	L	Baldwin Lbr Co Fee	007	219069
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust	001	220275
Dune Operating Company	Broussard, North	L	BOL M 3 RA suf;Bald Lbr Co Fee	008	220353
Dune Operating Company	Live Oak	L	11400 RA sua;Live Oak Pltn Tr	002	220655
Dune Operating Company	Live Oak	L	Stovall RB sua;Lopt	003	221192
Dune Operating Company	Live Oak	L	Stovall RA Suc;Lopt	006-ALT	222339
Dune Operating Company	Live Oak	L	Broussard Landing SWD	001	222571
Dune Operating Company	Live Oak	L	12600 RA sua;Broussard Landing	002	223165
Dune Operating Company	Broussard, North	L	BOL M 3 RA sua;Bald Lbr Co Fee	009	224868
Dune Operating Company	Live Oak	L	12300 RA sua;Live Oak Pltn Tr	009	224946
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust	010	225097
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust	011	230209
Dune Operating Company	Live Oak	L	Stovall RA Suc;Lopt	012	231118

Operator	Field	District	Well Name	Well Number	Serial Number
Dune Operating Company	Thornwell, South	L	South Thornwell SWD	001	970432
Dune Operating Company	Broussard, North	L	Baldwin Lbr Co Fee SWD	001	972324
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust SWD	001	972776
Dune Operating Company	Live Oak	L	Live Oak Plantation Trust SWD	002	972810

Richard P. Ieyoub
Commissioner

1606#034

POTPOURRI

**Department of Revenue
Policy Services Division**

Natural Gas Severance Tax Rate

The natural gas severance tax rate effective July 1, 2016 through June 30, 2017 has been set at 9.8 cents per thousand cubic feet (MCF) measured at a base pressure of 15.025 pounds per square inch absolute and at the temperature base of 60 degrees Fahrenheit.

This tax rate is set each year by multiplying the natural gas severance tax base rate of 7 cents per MCF by the “gas base rate adjustment” determined by the Secretary of the Department of Natural Resources in accordance with R.S. 47:633(9)(d)(i). The “gas base rate adjustment” is a fraction, of which the numerator is the average of the New York Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day for the month, as reported in the Wall Street Journal for the previous 12-month period ending on March 31, and the denominator is the average of the monthly average spot market prices of gas fuels delivered into the pipelines in Louisiana as reported by the Natural Gas Clearing House for the 12-month period ending March 31, 1990 (1.7446 \$/MMBTU).

Based on this computation, the Secretary of the Department of Natural Resources has determined the natural gas severance “gas base rate adjustment” for April 1, 2015, through March 31, 2016, to be 1.3992 percent. Applying this gas base rate adjustment to the base tax rate of 7 cents per MCF produces a tax rate of 9.8 cents per MCF effective July 1, 2016, through June 30, 2017. The reduced natural gas severance tax rates provided for in R.S. 47:633(9)(b) and (c) remain the same.

Questions concerning the natural gas severance tax rate should be directed by email to Policy.Publications@la.gov.

Kimberly Lewis Robinson
Secretary

1606#004

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